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State Environmental Programs: A Compendium of Federal and State Programs Prepared for the Congressional Delegations

Environmental Protection Agency, Kansas City, Mo Region VII

1977

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STATE ENVIRONMENTAL PROGRAMS

A Compendium of Federal and State Programs Prepared for the Congressional Delegations

ENVIRONMENTAL PROTECTION AGENCY
KANSAS CITY, MISSOURI

REGION VII

FY 1977

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Toxic substances,
Pesticides,
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INTRODUCTION

This document is intended to provide an overall perspective of the activities of the Environmental Protection Agency (EPA), Region VII. Major activities of the organizational components involved in external programs are summarized in an effort to orient the reader. Specifics of programs or functions can then be investigated through the responsible program official or office.

In presenting both the Regional and state-by-state discussions, we intend to give a more complete picture of the Federal/state/local effort required for a successful pollution control program. Frequent discussions are held with state officials on policy matters, programs, and projects and, as will be pointed out, some Federal functions have been delegated to state agencies.

OVERVIEW OF REGION VII

The economic base of Region VII can best be defined in the word "agribusiness." Production of food and fibre, and all of the related activities either supporting or being supported by this effort, makes the individual farmer and rancher a vital link in the economic chain. Found among the states of Iowa, Kansas, Missouri, and Nebraska are the leading corn and wheat producing states in the nation. These four states also produce a significant share of the soybean, grain sorghum, fat cattle, and finished hogs supplied annually to our markets.

As a result of this intensive agricultural activity, certain environmental problems arise. Confined animal feeding operations have caused significant water quality degradation in a number of cases that are well documented. However, the overall situation has improved markedly over the past five years through cooperative efforts of the United States Department of Agriculture (USDA) agencies, state environmental and agricultural agencies, the livestock industry, and EPA. Many pollution control facilities have been put in place and are operating satisfactorily.

The current emphasis on food production has caused some problems that are difficult to solve. Grass and timber covered land continues to be broken and cleared for uses not compatible with soil type and topography with a resultant increase in soil erosion and siltation of streams and lakes. In relatively water short areas, the use of groundwater for irrigation is lowering water tables at an alarming rate and states are becoming concerned over both the short and long-term effects of this practice.

Agency actions on the removal of certain pesticides from the market are not and probably will never be understood by many connected with agricultural production. Further banning of these products will intensify the debate over the relative importance of food production vs. the environment.

We find that development of coal resources, primarily in Wyoming, is having an effect on Region VII as is other energy related development. A significant number of coal fired power plants exist in and are planned for the area as are facilities to transfer coal from rail cars to barges for transport to sites east of the Mississippi River. The net effect of this activity is a projected increase of significant proportions in rail unit-train traffic and resultant disruption of the area through which these trains pass.

While approximately 65 percent of the Region's 11.45 million population (1975) live in urban areas, there are several hundred communities in the "small town" category. In Regional terms, small generally means less than 5,000 and sometimes less than 1,000 population. Together with the small town comes a higher than average concentration of persons over 65 years of age. This residential pattern creates difficulty many times when it becomes necessary to comply with environmental laws or even just desirable to have a sewage collection system as the taxpayers are unable to support the local share of costs.

REGIONAL RESOURCES

REGIONAL ORGANIZATION

1. The regional organization structure consists of five operating divisions and the Office of the Regional Administrator. These, with their Branches and Sections, are outlined on the Regional Organization Chart, Exhibit A. Phone numbers and names of key individuals are also shown on the chart.

Functional statements for each work unit are a part of the Regional Orders system. These documents outline in depth the duties and responsibilities of each work unit.

2. The Region currently has 286 permanent positions, 12 over-ceiling positions, 25 temporaries. Most are engineers, physical scientists, technicans, and other technical staff; however, there is a sizeable staff of grants specialists and other administrative personnel involved in operating the Regional Office.

During the past several years, an upward mobility program has been implemented which has created not only career ladders, but also bridge opportunities for non-technically trained employees to move into paraprofessional support positions.

An approved affirmative action plan is on file which outlines management's goals and objectives for increased utilization of all levels of employees.

RESOURCE MANAGEMENT

1. EPA operates within a Management by Objectives program planning cycle that is coordinated nationally and begins early in March of each year. Region VII has recently augmented its resource management program by implementing an Internal Management by Objectives program (IMBO) which allows the tracking of programs which have primary significance at the regional level.

Once the planning phase is completed and the reporting phase begins, a staff of program analysts monitors progress and analyzes slippages and overages, which becomes part of a published quarterly report. This report combines the Headquarters planning system with the Regional system and allows immediate access to status reports on both local and national issues. There has been excellent managerial cooperation with this reporting/planning cycle.

2. Approximately 62 percent of the available man-years are spent on Headquarters-required outputs.

3. The Planning Unit staff is also available to prepare program evaluations, briefing documents, and special researched reports, in addition to managing the State Program Grant activities.

4. Budget analysis is performed by the Planning Officer and the Financial Management Officer, and this year an attempt is being made to correlate outputs against expenditures by account code in several key programs.

5. The Planning Schedule breaks down roughly as follows:

March - Draft Guidance and Resource Targets Issued for FY-78; Issues and Analysis for FY-79 reviewed

April - Final Guidance and Targets issued for FY-78 by Headquarters

June - Regional Operating Plans and Resource Targets Submitted to Headquarters; Draft State Programs from States

July - Final Resource Targets from Headquarters

August - Final State Consolidated Grant Programs Submitted Regional and State Output Commitment Plans Due for FY-78

September - Final Regional Plan Adjustments and Tentative Approval for FY-78

INTER-AGENCY RELATIONSHIPS

1. Federal Regional Council - Region VII participates in Council activities. We have full-time staff representative that coordinates council requests.

2. Federal Executive Board - The former Regional Administrator was serving as Chairperson of the Greater Kansas City Federal Executive Board at the time of his retirement. The Regional Office has maintained a visible role on this Board, and at the present time, the Chairperson of the Federal Womens' Program Sub-Committee is an agency employee.

3. The Four States - The Region's primary interaction is with the four environmental agencies in Iowa, Kansas, Missouri, and Nebraska. All four states have consolidated their environmental approaches to a single organizational entity. Regional coordination

through the Program Planning Unit where the State Program Grants are managed, and the best overview of State issues and problems can be gained from this unit. Each State Program is summarized below:

Iowa - Independent State Environmental Agency with 159 positions; have responsibility for most environmental programs; in FY-77 Federal Program funds will be approximately $1.3 million, through consolidated program grant.

Kansas - Environmental programs are a Division in Department of Health and Environment with 146 positions; have responsibility for most environmental programs; in FY-77 Federal program funds will be approximately $1.2 million in separate categorical program grants.

Missouri - Environmental programs are a Division in the Department of Natural Resources with 189 positions; have responsibility for most environmental programs; FY-77 Federal program funds will be approximately $1.9 million in a consolidated program grant.

Nebraska - Independent State Environmental Agency responsible for air, water pollution, and solid waste programs with 82 positions; in FY-77 Federal programs funds will be approximately $1.5 million in consolidated grant; the Nebraska Natural Resource Commission is responsible for Water Quality Planning (208) and the Nebraska Health Department is responsible for the Water Supply Program.

SUMMARY REPORT - TOTAL RESOURCES ALLOCATED TO HEADQUARTERS OUTPUTS FOR FY-77

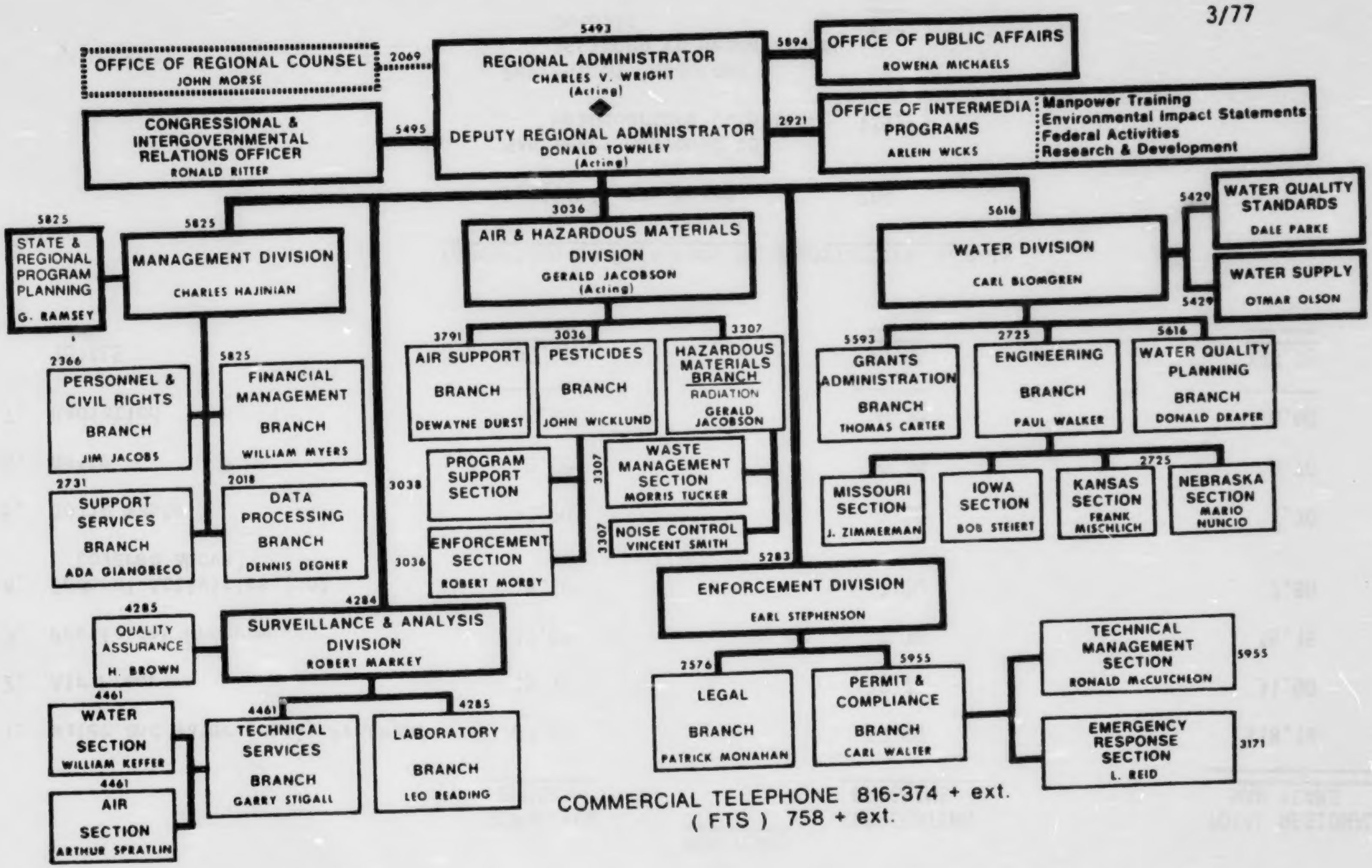
		MAN YEARS		
		REPORTING PROGRAM	COOPERATING PROGRAMS	TOTAL REGIONAL MAN YEARS
1.	Water and Water Supply Programs	64.22	53.96	118.18
2.	Air Programs	19.15	12.75	31.90
3.	Pesticides Program	13.00	2.15	15.15
4.	Federal Activities (not covered above)	6.50	1.00	7.50
5.	Solid Waste	1.20	0.50	1.70
6.	Noise	0.60	0.10	0.70
7.	Radiation	0.50	0.10	0.60
	TOTALS	105.17	70.56	175.73

Percentage of Resources on Headquarters Outputs

Available Man Years -	284
Man Years Assigned to Headquarters Outputs -	175.73
Percent of Resources Assigned to Headquarters Outputs -	62%

ORGANIZATION CHART
U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION VII

3/77



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REGIONAL CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS OFFICE

INTERGOVERNMENTAL RELATIONS

The Congressional and Intergovernmental Relations Officer is the regional liaison officer for the offices of the Governors, the State Legislators, and local government officials, and also serves as the Agency staff member of the Federal Regional Council. He represents the region in meetings with Mayors and other local officials and maintains liaison with League of Municipalities and Association of County Officials.

The Regional Office works with state legislative committees, when requested, to advise them of Federal requirements to be considered in drafting environmental legislation required by the cooperating state operating agencies. Draft bills are referred to the Regional Counsel, Mr. John Morse, for review and analysis.

CONGRESSIONAL AFFAIRS

We are endeavoring to provide every member of each Congressional delegation as complete information as possible on specific situations of interest. We will respond to your direct inquiry and try to anticipate your needs to answers in advance of some of your constituent requests.

The Air and Water Pollution Control programs are expected to continue to be the focus of attention in Region VII. However, as statutory deadlines approach for certain actions related to pesticide manufacture and application and we move toward implementation of National primary drinking water standards with the related state and local activity requirements, there will be increased questioning by constituents. Additionally, the recent enacted Toxic Substances Control and Resource Conservation and Recovery Acts will expand the Agency's role in these areas and generate inquiries.

OFFICE OF REGIONAL COUNSEL

The Regional Counsel is the Regional Administrator's principal adviser on all matters of legal import concerning the Regional Administrator's responsibilities in managing the Regional Office. As principal attorney for the Region, he represents the Agency as counsel in its relationship with other Federal agencies, state and local governments, and assists the Office of General Counsel and/or Department of Justice in the conduct of litigation in which the Agency is a party.

In assisting the Regional Administrator in developing and executing regional programs designed to attain the objectives of Federal statutes, executive orders, and regulations regarding the Agency's mission, Regional Counsel's responsibility is to assure the legal adequacy of those programs. The Office of Regional Counsel provides legal advice to the Regional Administrator and his program and administrative staffs regarding interpretation and application of statutes, regulations, guidelines, and instructions pertaining to their responsibilities, and regarding the conduct of negotiations, hearings, public meetings, and similar proceedings.

The Office of Regional Counsel reviews proposed state environmental legislation and implementing regulations for compatibility with Federal statutes and guidelines. It provides legal services in support of grants programs as to compliance with legal requirements for award and administration of grants. Regional Counsel hears appeals on protests arising out of grantee procurement actions in connection with construction grant projects.

Except for hearings assigned to an Administrative Law Judge, Regional Counsel (or Assistant Counsel) presides at administrative hearings based on regional enforcement actions seeking imposition of civil penalties for violations of law or regulations. He also reviews hearing records and initial decisions of Administrative Law Judges when appealed to the Regional Administrator.

OFFICE OF PUBLIC AFFAIRS

The Public Affairs Director provides advice and assistance to the Regional Administrator and his staff on matters relating to the regional public affairs program; she represents the Regional Administrator in relations with the press, television, radio, and other information media and administers a comprehensive, cohesive, Agency information program for the Region. The office maintains liaison with public and private groups having an interest in the mission and activities of the Agency. Public Affairs coordinates the preparation of responses to general inquiries for information and exercises responsibility for the execution of National public affairs programs assigned to the Region.

The office maintains an inventory of publications, a film library and other audio-visual materials, and exhibits in order to provide assistance and support to Agency programs and respond to informational needs of various groups and organizations. In addition, this office provides services, guidance and support to individual programs within the Regional Office with regard to public affairs needs.

The Director of Public Affairs serves as Freedom of Information Officer and requests for information under the Freedom of Information Act are processed through the Public Affairs Office.

LEGISLATIVE AUTHORITIES

The basic statutory authority of EPA is established by pieces of Federal legislation. They are:

1. Federal Water Pollution Control Act of 1972, PL 92-500.
2. Clean Air Act of 1970, PL 91-604.
3. Motor Vehicle Information and Cost Saving Act of 1972, PL 92-513.
4. Energy Supply and Environmental Coordination Act of 1974, PL 93-319.
5. Federal Environmental Pesticide Control Act of 1972, PL 92-516.
6. Federal Insecticide, Fungicide, and Rodenticide Act of 1975, PL 94-140.
7. Noise Control Act of 1972, PL 92-574.
8. Solid Waste Disposal Act of 1965, PL 89-272, as amended by the Resource Recovery Act of 1970, PL 91-512.
9. National Environmental Policy Act of 1969, PL 91-190.
10. Safe Drinking Water Act, PL 93-523.
11. Marine Protection, Research, and Sanctuaries Act of 1972, PL 92-532.
12. Toxic Substances Control Act of 1976, PL 94-469.
13. Resource Conservation and Recovery Act of 1976, PL 94-580.

PROGRAM ACTIVITIES

WATER DIVISION

The Water Division is responsible for development, coordination, implementation, and evaluation of Regional water programs. These programs involve assisting states in developing comprehensive programs for achievement of water quality standards, administering the wastewater treatment facility construction grant program, coordinating water quality planning programs, and overseeing implementation of the Safe Drinking Water Act. Organizationally, the water supply and water quality standard program functions are located in the Office of the Division Director. The Water Quality Planning, Engineering, and Grants Administration Branches are the other elements within the Division.

Outlined below are the primary activities of the Division.

WATER QUALITY MANAGEMENT

Since the passage of the Federal Water Pollution Control Act Amendments of 1972, the Federal government, the states, and local communities have undertaken a wide-ranging effort to clean up the Nation's waters. Through such efforts as the municipal construction grants program and the waste discharge permit program, this Federal/state/local partnership has made some dramatic progress against water pollution.

However, significant water pollution problems will still exist after we reduce much of the municipal and industrial pollution. These problems differ between various areas of Region VII and they will involve not only continuing municipal and industrial waste discharges, but also other sources of pollution which are difficult to control (overflows from combined storm and sanitary sewers, storm runoff from urban areas, runoff from agricultural lands, runoff from mining and construction activities, and others).

Increasingly, decisions on the abatement of these pollution problems must be made at the local or state level. The success of future water pollution control hinges on decentralized decisions on the sources to be controlled, the degree of control, and the types of controls. Local government officials and the general public must choose among alternative control schemes on the basis of particular economic, social, environmental, and institutional factors within their areas.

The Environmental Protection Agency, the states, and local communities will implement this decentralized system to control water pollution through the water quality management process, conceived under Section 208 and 303 of the Act. The initial emphasis of the process will be on developing and implementing specific solutions to problems facing a state or local area which have not been addressed by other environmental programs.

Program grant funds under Section 106 of the Act have been made available to the states for planning under Section 303(e) (Phase I Basin Plan). Section 208 funds have been granted to the states and areawide agencies for the more intensive planning (Phase II).

CONSTRUCTION GRANTS

The Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) authorize EPA to award grants in the amount of 75 percent of the allowable project cost for the construction of publicly owned and operated waste treatment works. Grants can be made to any state, municipality or intermunicipal, or interstate agency having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

The procedure for making grant awards begins with the state developing and submitting to the Regional Office plans for their pollution control actions. These plans include their priorities for the various individual projects. The Regional Office reviews and approves, or disapproves, these plans based on whether they promise reasonable, timely, and effective steps to implement the legislative goals. Approval of the State Plan is followed by the submission of the state's individual construction grant requests. Grant funds are allocated annually to each state based on a formula contained in the Act.

Projects to be considered for funding under the Act must be certified by the appropriate state water pollution control agency as entitled to priority over such other works in the state in accordance with any applicable State Plan under Section 303(e) of the Act. Following such certification of priority, the application is transmitted to the EPA Regional Office for grant processing.

Upon receipt of an application for a grant, the Regional Office makes a thorough review of the project and its compliance with applicable laws and regulations. If these reviews are positive, a grant of 75 percent of the eligible cost is made and the project management is monitored by our Regional Engineers and Grants Administration Specialists. On completion of the project, the end result is reviewed for compliance with program requirements and an audit may be conducted to determine allowability of costs incurred by the grantee.

The four states have major projects involving achievement of secondary or best practicable treatment objectives. In Missouri and Nebraska, a few major projects could utilize an entire state allocation if completely funded. Therefore, major projects have to be phased to enable other high priority needs to be met. Close cooperation between applicants, state agencies, and EPA is necessary to maintain a viable water pollution control program.

DRINKING WATER SUPPLIES

The objective of the Safe Drinking Water Act, PL 93-523, is to provide for the safety of drinking water supplies throughout the United States. National drinking water standards will be established by EPA and the states will have the primary responsibility for enforcement of the standards and otherwise supervising public water supply systems and sources of drinking water.

A public water system is defined as a system which provides piped water for human consumption if it has at least 15 service connections or regularly serves at least 25 people for at least two months of the year.

Interim primary regulations specifying maximum contaminant levels, treatment techniques, and general criteria for operation, maintenance, siting, and intake water quality were proposed in March and were promulgated by the Administrator in December 1975. The effective date of these regulations will be 18 months after promulgation, or tentatively June 1977. Secondary regulations are to be proposed by September; however, this schedule will be extended subject to final promulgation of Public Drinking Water Standards. These will address contaminants that affect public welfare (taste, odor, appearance, etc.) and may vary according to local circumstances. Secondary regulations are not federally enforceable.

For a state to assume primary enforcement responsibility, it must adopt regulations no less stringent than those of EPA, have adequate enforcement procedures, permit variances and exemptions, and meet certain administrative requirements.

After the interim regulations become effective, if a state does not assume primary responsibility or fails to exercise it adequately and the Administrator finds a system does not comply with any primary regulations, he may initiate a civil action to require compliance.

A regulatory program for the protection of underground sources of drinking water is authorized. Requirements to protect underground sources are to be established by the Administrator within one year and the states would assume primary responsibility in two years. The Administrator will prescribe control programs where states fail to assume responsibility.

States may receive grants to carry out water system supervision programs if they have or will establish an acceptable program and assume primary enforcement responsibility. Grants would not exceed 75 percent of an agency's yearly cost of program operation.

AIR AND HAZARDOUS MATERIALS DIVISION

The Division's three Branches (Air Support, Hazardous Materials, and Pesticides) serve as technical authorities on air, waste management, toxic substances, noise, radiation, and pesticide programs. Some of the activities and/or functions are outlined in the following program summaries.

AIR QUALITY

The EPA began a review of State Implementation Plans (SIPs) in 1976 in conjunction with air quality data supplied by the states to determine whether each plan was adequate to attain and maintain National Ambient Air Quality Standards (NAAQS). This review was initiated because many Air Quality Control Regions (AQCR) did not attain primary standards by the July 1, 1975, statutory date. In EPA, Region VII, only seven of the 27 AQCRs attained the primary standard for total suspended particulates. In contrast, only one AQCR did not attain the standard for carbon monoxide (CO) and/or oxidants (O_x).

The Regional Administrator notified the Governors of the states in Region VII that, after careful analysis of each state plan, it was determined that the SIP for their state was substantially inadequate to attain or maintain ambient standards for suspended particulate matter. The letters to the Governors requested that plan revisions which reflect achievable emission reductions be developed and submitted to EPA by July 1, 1977. Those plans are to establish a schedule for attainment of primary and secondary standards as soon as practicable. Where additional emission reduction not readily achievable is needed, such plan may be submitted by July 1, 1978.

Although some areas show violations of CO and O_x standards, analysis indicates that, in most cases, the Federal emission standards for new vehicles will be sufficient to achieve O_x and CO standards. Plan revisions were not requested for automotive-related pollutants in such areas.

Total suspended particulate concentrations are the major air pollution concern in Region VII. Non-attainment analysis performed by the state agencies suggest that fugitive dust may be a significant contribution to elevated particulate concentrations in non-urban areas. Re-entrained dust from streets and roadways may be a factor influencing air quality in urban areas.

Methods for controlling non-urban fugitive dust appear unacceptable or socially disruptive at this time. Some suggestions have been to pave rural and farm roads and to use dust suppressants on plowed ground. An EPA study is underway to determine the cost-effectiveness of cleaning city streets. The technology of street cleaning is well known, but it is uncertain whether intensive street cleaning will result in measureable reductions in particulate concentrations. Requests for plan revisions recognize fugitive and re-entrained dust as a contributing factor to elevated particulate concentrations, but did not request revisions which include control of such sources because of the uncertainties. Some municipal agencies have begun to adopt new regulations to prevent re-entrainment from unpaved parking lots and building demolition sites.

The regulations for prevention of significant deterioration were promulgated on December 5, 1975. These regulations are intended to limit ambient air quality degradation within prescribed limits. New stationary sources of particulates and sulfur dioxide (SO_2) in 19 specified categories are required to apply to the Administrator for an approval prior to commencing construction. Approval is based on a determination that emissions from the proposed source will not cause increases in ambient concentrations beyond a set increment. The states are encouraged to adopt regulations which are at least as stringent as the EPA regulations in order that authority may be delegated.

SOLID WASTE MANAGEMENT

On October 21, 1976, the Congress and President approved the Resource Conservation and Recovery Act (PL 94-580) (RCRA) which amends, in full, the Solid Waste Disposal Act of 1965 (PL 89-272) as amended by the Resource Recovery Act (PL 91-512).

The stated objectives of RCRA are to promote the protection of health and the environment and to conserve valuable material and energy resources. The Act intends that these objectives be achieved by:

1. Providing technical and financial assistance to state and local governments for development and implementation of solid waste management plans.

2. Providing training grants in solid waste occupations.

3. Prohibiting future open dumping on land and requiring upgrading or closing of existing open dumps.

4. Regulating the treatment, storage, transportation, and disposal of hazardous wastes.

5. Promulgating guidelines for solid waste management practices and systems.

6. Conducting a research and development program for improved solid waste management and resource conservation techniques.

7. Demonstrating improved solid waste management and resource conservation and recovery systems.

8. Establishing a cooperative effort among Federal, state, local governments, and private enterprise.

The Act statutorily establishes the Office of Solid Waste within EPA to guide the implementation of the law and establishes a Federal/state/local government partnership to share the implementation. The major thrust of the efforts that will be required by this partnership are:

1. Land protection through regulation and control of waste and waste disposal operations.

2. Regulations and control of the hazardous waste stream "cradle to grave."

3. Improvements in all aspects of waste management at the state, regional, and local levels.

4. Reduction of the waste stream through increased resource recovery and waste reduction efforts.

5. Continued collection and dissemination of all types of solid waste management information.

6. Greater public and private participation in the improvement of solid waste management information.

The major thrust of the regional solid waste management program for the remainder of FY-77 and FY-78 will be to assist in defining this new Act and working with the states on implementation.

RADIATION

EPA works with the Nuclear Regulatory Commission (NRC), Energy Research and Development Administration (ERDA), and the Food and Drug Administration (FDA) in activities related to nuclear power generation plants, research reactors, x-ray machines used in the healing arts, nonionizing sources of radiation, and in certain industrial applications which are licensed by NRC. Regional radiation staff are responsible for the radiological review of environmental impact statements for light-water reactors in the Region. Regional staff also participate in the review of other environmental impact statements having radiological aspects. These latter review activities are coordinated with EPA Headquarters which are responsible for preparing consolidated Agency comments.

Region VII radiation staff will supervise the implementation of new EPA Environmental Radiation Protection Standards for Nuclear Power Operations at nuclear facilities in the Region.

During the construction and initial operating phases of nuclear power generating plants, a great deal of effort has been extended in developing suitable emergency plans in the event of nuclear incidents. These activities have afforded an opportunity to work with a cross section of state, Federal, and local agencies with some joint responsibilities in the event of such accidents.

EPA works with the NRC, ERDA, FDA, and the Strategic Air Command, Offutt Air Force Base, in environmental radiation activity pertinent to each SAC Air Force installation in the Region. Similar efforts are required at other Federal facilities in the Region, such as the Weldon Springs Chemical Plant where cooperative efforts are underway with the Army and ERDA.

There is a close relationship between EPA and FDA activities in radiation training, medical and dental x-ray machine usage, and nonionizing radiation sources. Regional efforts will be required to implement proposed Federal guidance in the use of medical x-ray.

EPA is signatory to an interagency agreement with regard to radiological incidents emergency response planning for fixed nuclear facilities and transportation. Agencies included in this effort are NRC, ERDA, DHEW, DCPA, FDAA, DOT, and GSA. The EPA Regional Office radiation staff participates in the Regional Advisory Committee, consisting of representatives of these agencies, to implement this emergency response planning in Region VII states.

The Environmental Protection Agency will be implementing the new standards for radioactivity in drinking water as required under the Safe Drinking Water Act. The Region VII radiation staff works with other Regional Office personnel to supervise the implementation of these Standards by Region VII states which accept primacy. If any state does not accept primacy implementation will be the responsibility of the Regional Office.

The EPA provides information to the public concerning levels of environmental radiation and other information requested.

Eventual classification of pesticides and certification of applicators should not cause any economic impact. If it should be considered at all, the needs for the state agencies will be greater and require additional resources.

Enforcement actions are coordinated with the State Department of Agriculture. This is accomplished by a cooperative arrangement whereby the state and Federal efforts augment each other's functions. We are in contact with the states as problems arise and advise them of all major enforcement action as they are implemented. Cooperative enforcement agreements have been developed with the Kansas State Board of Agriculture and Iowa Department of Agriculture. EPA, Region VII, has provided in-depth training to full investigators in Nebraska, Iowa, and Kansas.

The EPA has enforcement jurisdiction under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. Initially the Agency focused its attention toward the pesticide producing establishments; however, at this time the Regional Office is expending equal time and resources to conducting both producer establishment inspection and use investigations. To date, 71 cases have been referred to the U.S. Attorney for criminal prosecution and 224 civil complaints have been issued. These cases included violation concerned with shipment, sale, and distribution of non-registration, misbanded and adulterated pesticides. The Region has also issued 39 civil penalty warning citations for pesticide misuse.

NOISE ABATEMENT AND CONTROL

The Noise Control Act (PL 92-574), passed October 20, 1972, initiated EPA's Noise Abatement and Control program. This program provides an opportunity for this agency to work with state legislatures and local governments in solving the many noise problems resulting from our current industry and citizen activities. There is a lack of trained noise control personnel because of the newness of this program. Many commercial and industrial firms have recognized the need for and have improved the workers' environment through the control of noise conditions.

EPA works with other Federal agencies and Department of Defense facilities to reduce the exposure of citizens of surrounding communities to noise and vibrations.

On December 31, 1975, the Agency issued final regulations on newly manufactured portable air compressors. These regulations will have the effect of eliminating such compressors as a major source of construction site noise. The regulations will become effective in 1978, with the new standard of 76 dBA measured at 7 meters.

On March 31, 1976, the Agency promulgated noise regulations for medium and heavy trucks. These regulations will reduce the urban traffic noise impact for 97 million people. The new standards are 83 dBA in 1978 and 80 dBA in 1982.

Railroad Noise Emission Standards

Under Section 17 of the Noise Control Act of 1972, EPA promulgated on December 31, 1975, regulations governing Interstate Rail Carriers (550/9-76-005).

The Department of Transportation, through the Federal Railroad Administration is responsible for enforcement of this regulation. Compliance procedures were established prior to the December 31, 1976, initial effective date of the regulation. The standards (all measured at 100 feet) are:

Locomotives
(Best Maintenance)
73 dBA at idle
93 dBA at all other throttle settings
96 dBA moving at any speed
Effective December 31, 1976

Locomotives
(Newly Manufactured)
70 dBA at idle
87 dBA at all other throttle settings
90 dBA moving at any speed
Effective December 31, 1979

Rail Cars
88 dBA up to and including 45 mph
93 dBA greater than 45 mph
Effective December 31, 1979

Motor Carrier Noise Emission Standards

On October 29, 1974, EPA promulgated regulations governing noise from Interstate Motor Carriers (550/9-74-017). This regulation will lessen the noise impact for approximately 10 million people. It will be revised as cost and technology permit.

The Department of Transportation Bureau of Motor Carrier Safety (BMCS) is responsible for enforcement of this regulation. BMCS issued compliance regulations on September 12, 1975. BMCS and several localities and states are now enforcing these regulations. The standards, measured at 50 feet, are:

88 dBA stationary runup

86 dBA under 35 mph

TOXIC SUBSTANCES

The 1976 Toxic Substances Control Act, Public Law 94-469, authorizes the EPA to obtain from industry data on the production, use, health effects, and other matters concerning chemical substances and mixtures. If warranted, EPA may regulate the manufacture, processing, distribution in commerce, use, and disposal of a chemical substance or mixture. Pesticides, tobacco, nuclear material, firearms and ammunition, food, food additives, drugs, and cosmetics are exempted from the Act. The Agency is mandated to coordinate actions taken under the TSCA with actions taken under other Federal laws, including those administered by EPA. The broad scope and significance of this activity are evidenced by Congress' action in establishing an Assistant Administrator for Toxic Substances.

The Act is an anticipatory one in that manufacturers are required to list chemical substances in present use, and advise the Administrator of new substances in advance of their use, to prevent environmental problems from toxic materials. There are provisions for testing of potentially harmful chemicals, data disclosure, civil and criminal penalties, research and monitoring, and enforcement.

The Regional Office has established a Toxic Substances Coordinator who reports to the Director, Air and Hazardous Materials Division. His responsibilities include the coordination of toxic activities with other Regional Office programs, states, and other appropriate Federal agencies; informational service to industry and the public; regional input to Headquarters; problem investigations; and inspections.

ENFORCEMENT DIVISION

The Enforcement Division is responsible for implementation of the regulatory aspects of the Clean Air, FIFR, and FWPC Acts, for the NPDES programs (excepting Federal facilities) and for the spill response and prevention activities. The Division prepares necessary documentation to support formal enforcement action; issues notices of violations and administrative orders; drafts civil and criminal complaints; issues or overviews state issuance of NPDES permits; tracks compliance with permits; responds to oil spills; and conducts the spill prevention program.

Organizationally, the Division is comprised of the Legal Branch and Permit and Compliance Branch. The Legal Branch conducts the legal aspects of the enforcement program and the technical aspects of air enforcement activities. The Permit and Compliance Branch is responsible for permit issuance and all technical aspects of water enforcement, including compliance tracking and oil spill response and cleanup.

WATER POLLUTION

Requirements

Public Law 92-500 (FWPCA) establishes two major goals in the interest of water pollution control. The first is to achieve, by July 1, 1983, water that is clean enough for swimming, other recreational uses, and for the protection and propagation of fish, shellfish, and wildlife. The second is, by 1985, to have "no discharge of pollutants" to the Nation's waterways. The Law extends pollution control programs to all United States waters (previously only interstate waters were covered by Federal legislation).

The strict deadlines and strong enforcement provisions of the Law set the stage for a coordinated series of specific actions that must be taken by Federal, state, local governments, and industry.

All municipal waste treatment plants, in operation on July 1, 1977, must provide a minimum of secondary treatment.

By July 1, 1983, municipal waste treatment plants will be required to have, as a minimum, best practicable treatment. The Administrator has been charged with defining "secondary treatment."

Permits

The FWPCA was developed to establish the minimum regulatory framework for conducting a uniform National water pollution control program. The Act never envisioned the usurpation of state authority but it set the minimum acceptable level for state programs. Those states that met or exceeded that level and could demonstrate this competence through legislative authority and implementing rules could assume much of the authority of the Federal Act.

Three of the four states in Region VII have assumed authority for the NPDES program. The fourth state, Iowa, has recently enacted appropriate legislation and is now in the process of rulemaking to meet the requirements for NPDES program assumption. It is anticipated Iowa will have the NPDES program before the end of FY-77.

When the states assume NPDES authority, the Federal role becomes one of partnership, assistance, and overview. The partnership is reflected in the pooling of resources to accomplish the huge compliance monitoring task. The assistance is making some of the unique expertise of EPA available to solve complex problems and the overview is exercised to ensure consistent regulatory implementation on a National scale.

AIR POLLUTION

Stationary Source

A stationary source is any facility which has a potential air emission. Stationary sources are broken down into two categories, major and minor. A major source is one which has potential emissions of more than 100 tons of particulate matter or sulfur dioxide a year. A minor source is one which has potential emissions of less than 100 tons a year, but more than 10 tons. In order for an enforcement action to be taken against a stationary source, there must be a violation of the SIP. A SIP is a plan in which a state has definite schedules and limits for all sources in order to ensure compliance with applicable air standards. Stationary source violations are determined by either opacity observations or stack sampling. The great majority of the monitoring and compliance work is done by the states with EPA "spot checking" during the year. The compliance status of all major and most minor sources are a part of the program plan for the Region and are reported to Headquarters on a quarterly basis. Upon learning of a violation, the Enforcement Division will take appropriate enforcement action which is usually the sending of a Notice of Violation to the source. This gives the state 30 days in which to take appropriate enforcement action. If the state does not act, the Region then proceeds with an administrative Order or a referral to the U.S. Attorney. Many times a source will be under a State Compliance Order and the Enforcement Division will then determine the appropriateness of the Order and, if the Order is found to be appropriate, the Division will issue a Federal Order which "tracks" the State Order. This action is authorized under Section 113 of the Clean Air Act.

At the present time, in excess of 94 percent of all major sources in the Region are in compliance. All other major sources are on compliance schedules. Minor sources are inspected only in non-attainment areas. At the beginning of each fiscal year the states determine which portions of the state are not meeting ambient air quality standards. Those areas which are not meeting ambient air standards are said to be non-attainment areas.

Stationary source enforcement is also concerned with New Source Review, New Source Performance Standards, and Prevention of Significant Deterioration. Certain new construction must obtain Federal approval prior to commencing construction. For attainment areas, this is based on regulations covering Prevention of Significant Determination, while in non-attainment areas this Federal review is covered by EPA's "trade-off" policy.

The Enforcement Division also maintains the Compliance Data System, which is a computer system in which all major and minor sources and their compliance status within the Region are maintained. Data included in the System relates to SIP, NSPS, ESECA, PSD, NESHAPS, and NSR sources. This is an important management and enforcement tool.

Mobile Source

Mobile source enforcement concerns all motor vehicles. In an effort to reduce the hydrocarbon emissions from motor vehicles, the Agency has issued regulations requiring that unleaded gasoline be available to the general public. Unleaded gasoline is needed for most automobiles produced since 1975 since practically all are equipped with catalytic converters which reduce air emissions. A considerable enforcement effort has gone into the inspection of service stations to determine if unleaded gasoline has been offered for sale and also to determine if it meets the proper unleaded content. The Enforcement Division has had contracts with the two states in which the states do the inspection and sampling needed. Several adjudicatory hearings have resulted from "unleaded" violations. Approximately 2,000 warning letters have been issued to those service stations which have borderline violations. There is no state involvement in mobile source enforcement other than inspection.

Transportation Control Plans (TCPs) are used in certain large metropolitan areas to reduce auto emissions. Thus far no TCP has been put into effect in the Region although one is being formulated for St. Louis, Missouri.

EMERGENCY RESPONSE PROGRAM

This program is made up of three major functions: Oil and Hazardous Substances Spill response, spill prevention, and disaster assistance.

The Regional Office is responsible for furnishing an on-scene coordinator to direct Federal pollution control efforts at the scene of a discharge. Designated members of the Emergency Response Section are on 24-hour standby to receive spill reports and to respond as prescribed by the national and regional contingency plans. In Region VII, five Federal and four state agencies participate in spill responses according to these plans.

Between 300 and 400 spill reports are received each year. Of these, 15 to 20 percent require on-scene response to determine that necessary measures are carried out by the responsible party. All spills are referred to our Legal Branch for appropriate action under Section 311 of the FWPCA.

The above efforts relate only to oil spills. We anticipate a similar work load when hazardous substances control regulations become effective and an essentially duplicate program is instituted for those materials.

The spill prevention activities center around those facilities required to prepare and implement a SPCC plan designed to prevent any discharge of oil or oil products into a waterway. An inspection program is conducted by regional personnel to assure compliance with the law and regulations. Violations are referred for legal action also. About 25 percent of the facilities inspected have required such action to gain compliance.

Disaster assistance is of course unpredictable. Personnel from the Regional Office are subject to call as one of the emergency support teams during a disaster. The Chief, Emergency Response Section, is responsible for coordinating EPA's efforts with other Federal and state officials.

INTERMEDIA PROGRAMS

The Intermedia Programs Office is a component of the Office of the Regional Administrator and consists of four programs. Manpower and Training, Environmental Impact Statements, Federal Activities, and Research and Development. Briefly the functions of these programs are:

1. Manpower and Training - coordinate the development and delivery of EPA Manpower and Training services to state and local agencies and other interested parties to assure that properly trained and qualified individuals are available to carry out environmental programs,

2. Environmental Impact Statements - primary responsibility for all matters directly or indirectly related to environmental impact statements. This includes writing or contracting for writing of statements on EPA funded or permitted projects,

3. Federal Activities - assures that all activities connected with abatement and control of pollution at Federal facilities comply with appropriate legislation, and

4. Research and Development - primarily a liaison activity to maintain professional communication between the research community and the Agency's program.

Additional information follows.

MANPOWER AND TRAINING

Qualified personnel to operate and maintain pollution control facilities are essential to accomplishment of National goals for abatement and control of pollution. These qualified personnel are not now available in sufficient numbers, consequently, many pollution control facilities function below their disign capabilities.

Traditionally, regulatory agencies have been the primary agents in providing training for pollution control operating personnel. These agencies have generally been unable to provide an adequate level and range of training. As a consequence of this approach to training many state education and manpower service programs have not included needs of environmental occupations as a priority item in their program plans.

At this time, there are only a few established training programs which provide preemployment qualification to persons wanting to enter the field of operation, consequently, there is no pool of qualified personnel from which local agencies may recruit to fill entry level operating positions. Also, training opportunities to provide necessary skills for unqualified or underqualified operating personnel, now employed, are inadequate to meet present needs.

The present EPA manpower strategy is directed at developing an effective working relationship between state regulatory agencies and state education and manpower service programs in order to provide appropriate training and human resource development activities to supply qualified personnel. Some progress is being made; however, major advances must still be made in order to adequately meet the need for qualified operating personnel in pollution control. This strategy, when accomplished, should provide an effective training and development structure to support environmental regulatory programs and also provide a meaningful outlet for clients of programs in human resource development, such as vocational and adult eduction and Comprehensive Employment and Training Act programs.

ENVIRONMENTAL IMPACT STATEMENTS

Since the passage of the National Environmental Policy Act (NEPA) on January 1, 1970, the EPA, Region VII, office has received approximately 650 Environmental Impact Statements (EISs) for review. By far the greatest number of EISs have come from the Department of Transportations agencies (Federal Highway Administration and Federal Aviation Administration) and the U.S. Army Corps of Engineers. Other agencies which have prepared EISs include the Soil Conservation Service, Bureau of Reclamation, Bureau of Outdoor Recreation, Department of Housing and Urban Development, Department of Health, Education, and Welfare, Federal Power Commission, Nuclear Regulatory Commission, Rural Electrification Administration, Veterans Administration, and General Services Administration.

The first three years following passage of the Act, most of the EISs were written on projects already designed, and some were under construction. More recently EISs have been prepared during the planning stage of the projects. This allows more flexibility in the considerations of environmental impacts.

EPA is responsible for preparing EISs on wastewater treatment facility grant projects and new source NPDES permits which have significant environmental effects or are of nationwide significance.

It should be recognized that no special relationship exists between NEPA and EPA. NEPA is the responsibility of the Council on Environmental Quality and eventually the President. The EPA must comply with the law in the same manner as any other Federal agency.

FEDERAL ACTIVITIES

The Federal Activities Program has the responsibility to advise and direct Federal agencies in meeting pollution abatement standards and the goals listed in Executive Order 11752. The stated policy of the Federal Government is for Federal agencies to lead the way in this effort.

Dredging Activity

A major problem has developed in the disposal of dredged or fill material in navigable waters. Present disposal methods are not acceptable. EPA, Fish and Wildlife Service, and state agencies are working with the U.S. Army Corps of Engineers to improve disposal methods so as to protect water quality and stream environment from adverse effects.

Section 404 Permits - Wetlands Protection

The Corps of Engineers has moved into Phase II jurisdiction which includes tributaries of navigable streams and lakes of more than 5 acres. EPA has the responsibility of reviewing the proposed projects for their effect on municipal water supplies, shellfish beds and fishery areas, wildlife or recreational areas.

Great River Environmental Action Team

The Great River Environmental Action Team was formed to generate a plan of action to develop the Upper Mississippi River and protect its wildlife value. The team consists of representatives from the U.S. Fish and Wildlife Service, Corps of Engineers, Soil Conservation Service, Bureau of Outdoor Recreation, Department of Transportation, and the States of Wisconsin, Iowa, Illinois, and Missouri.

NPDES Permits

Essentially all NPDES permits have been issued to Federal facilities in Region VII. Additional permits will be issued as new projects are developed. The major workload in this program now has shifted to assuring compliance of the Federal facilities with their permit conditions.

RESEARCH AND DEVELOPMENT ACTIVITIES

Research Grants

The Environmental Protection Agency Research and Development program is made up of:

1. research carried out by EPA in EPA facilities,

2. research carried out by other Federal agencies in conjunction, cooperation, and coordination with EPA and possibly involving interagency transfer of funds, and

3. extramural research carried out by public or private agencies, companies, or persons under EPA grant or contract.

The following table summarizes by state the number of research projects and the funds awarded by EPA for these extramural projects during FY-76. There are ten contractors and grantees in Missouri, six in Kansas, three in Iowa, and three in Nebraska. The preponderance of research projects in Missouri is due mainly to the 36 projects at Midwest Research Institute, a not-for-profit organization in Kansas City.

Summary of Active EPA Sponsored

Research and Development Projects

	Grants		Contracts		State Totals	
State	Number	EPA Funds	Number	EPA Funds	Number	EPA Funds
Iowa	3	$ 918,200	3	$ 718,000	6	$ 1,636,200
Kansas	6	462,400	8	377,000	14	839,400
Missouri	11	2,546,900	44	9,608,100	55	12,155,000
Nebraska	2	145,100	4	294,000	6	439,100
TOTAL	22	$4,072,600	59	$10,997,100	81	$15,069,700

Research and Development grants and contracts are reviewed, approved, and monitored through EPA Headquarters and laboratory operations. The Regional Office role in this program is primarily one of technical assistance.

Of significance to the Region is a request from the State of Kansas for research on methods to improve the efficiency of secondary sewage treatment plants, especially for trickling filter plants. These plants can meet the effluent standards in the summer but are unable to do so in the winter because of decreased secondary settling efficiencies. Supplemental processes such as use of chemical coagulants are considered expensive and not satisfactory for reliable operation by small communities. Research on clarifier design improvement is under discussion between this office and Municipal Environmental Research Laboratory, Cincinnati, Ohio, personnel. The problem is both regional and national in scope and needs to be addressed.

Lake Restoration Grants

Sections 104(h) and 314 of the FWPCA (PL 92-500) authorize matching grants to the states for projects to demonstrate and implement lake water quality improvement methods. Region VII state water pollution control agencies have not encouraged applications and have provided only minimum service and cooperation on applications because of (1) inadequate state personnel to work on this program and (2) lack of state funds for matching any Federal grants. Iowa has a $500,000 dredging grant fund administered by the Iowa Conservation Commission and has three applications. In Region VII, this program is administered by Regional Office Research and Development Representatives; no funds are allocated for this regional activity.

SURVEILLANCE AND ANALYSIS DIVISION

Collection, analysis, and evaluation of environmental quality data are the responsibility of the Surveillance and Analysis Division. These activities are carried out in support of regional programs and enforcement activities. Also included are the analytical quality control program and technical assistance to state and local agencies concerning techniques, quality control, and methodology in both collection and analyzing samples.

The Division's Technical Services Branch is the field investigative arm and is responsible for compliance monitoring of all point source discharges and stationary source emissions. Technical assistance and training for improving operation and maintenance of municipal wastewater treatment facilities is provided through this Branch on a cooperative effort basis with the appropriate state agencies.

The Laboratory Branch provides a full range of analytical services involving microbiology, aquatic biology and toxicology, organic and inorganic chemistry, and others. A broad spectrum of expertise is available at the facility to carry out the necessary services.

PRIORITY OBJECTIVES FOR FY-1977

WATER POLLUTION CONTROL

1. Manage the Construction Grants program.

2. Monitor area-wide Water Quality Management (208) Plan development.

3. Encourage and assist states in NPDES permit and compliance activity.

WATER SUPPLY PROGRAM

Assist states in implementing the Safe Drinking Water Act.

AIR POLLUTION CONTROL

1. Assure continuing compliance of sources.

2. Bring non-attainment areas into compliance.

3. Continue development of transportation control plan in St. Louis Metropolitan area.

4. Emphasize delegations to state agencies of National Emission Standards for Hazardous Air Pollutant Sources and New Source Performance Standards.

PESTICIDES

1. Encourage enactment of legislation to enable states to participate in the functions authorized by the Federal Pesticide Act.

2. Develop cooperative enforcement agreements with state Departments of Agriculture.

3. Continue investigations of pesticide user compliance with label directions.

SOLID WASTE

Provide technical and financial assistance to states and local/regional agencies to meet the planning, implementation, and regulatory activities included in the recently enacted Resource Conservation and Recovery Act of 1976.

NOISE

Assist state and local agencies in development of noise control legislation and programs.

RADIATION

1. Continued responsibility for technical review and management of environmental radiation around nuclear facilities.

2. Provide technical assistance to state and local agencies and the Office of Radiation Programs.

3. Provide technical resources to review EISs for nuclear power plants.

4. Promote and assist development and updating of state radiological response plans.

5. Implement drinking water standards for radionuclides.

TOXIC SUBSTANCES

1. Participate in the review of strategy documents, toxics "Thrust List," and other developmental activities of OTS Headquarters as requested. Provide other needed regional information to Headquarters.

2. Develop the Regional Office Operational Plan for carrying out the mandates of the Toxic Substances Act at the regional level. Coordinate TSCA activities with other Region VII programs.

3. Represent the Regional Office to state and local agencies, industry, the public, and other appropriate Federal agencies with respect to the Act. Solicit participation in TSCA activities, and provide information about the Act through meetings and individual contacts.

4. Respond to requests for information concerning toxic substances, the Act and its implementation.

5. Respond to emergencies and hazardous material disposal information requests.

6. Initiate appropriate monitoring and inspectional activities as soon as Headquarters Guidance is developed and as needs are seen in the Region.

REGIONAL ISSUES AND PROBLEMS

WATER

1. Agricultural and surface runoff are problems in every river basin with quantities of nutrients, organics, agricultural chemicals, and bacteria entering the waterways. Combined sewer overflows in metropolitan areas are significant contributors to water quality degradation.

2. Nonpoint sources of fecal coliform and ammonia wastes will be major obstacles to obtaining full water quality standards compliance. Increased emphasis is being given to finding solutions to the nonpoint pollution problem.

3. The requirements of Public Law 92-500 increase the states workload but the Act also provides a higher level of funding to support state programs than did prior legislation. The states, however, continue to experience difficulties in obtaining and maintaining staffs to respond to the comprehensive and demanding provisions of the Law.

4. There is apparently considerable oposition to Regional Office decision requiring regional wastewater treatment facilities for Kansas City, Missouri, and Johnson County, Kansas.

5. The allocated Construction Grants funds to the states in Region VII are not generally adequate. The increased Federal/state grants and the broadening of eligibility to include collection systems and other facilities have created a greater need. While there was substantial improvement in allocations to the states, the grant monies could, in all states except Kansas, be completely used by the larger metropolitan areas needs. In three of the states a number of the projects on the priority list must be postponed until additional grant monies are made available. Lack of funding for FY-1977 has caused concern in all states as to the future of the grants program.

AIR

Wind-blown dust, due to dry weather conditions and agricultural activities, appears to prevent attainment of particulate standards in rural areas. Re-entrained dust from urban streets contributes to the particulate levels in urban areas.

In Iowa, legal authority is needed to permit promulgations of regulations to control hazardous pollutant sources.

The Nebraska program is hampered by the inability to retain a trained staff. The existing salary structure causes this problem.

SOLID WASTE

The passage of PL 94-580, the Resource Conservation and Recovery Act of 1976 (RCRA), presents a broad challange to the states of Region VII. The RCRA provides for the development and implementation of state hazardous waste management programs, the updating of state solid waste management plans including a ban on open dumping and an inventory of land disposal sites, and the inclusion of resource recovery and conservation programs in the state solid waste programs.

The states will have to comply with the solid waste requirements of the new Act to allow their local communities and the state agencies to participate in the grant programs for rural community assistance, demonstrations of technology, and other programs. The states will be eligible to become authorized to conduct the hazardous waste management program with substantial Federal assistance if they obtain legislation and develop an acceptable program.

The states have all undertaken an inventory of the sources of hazardous waste which should be complete early in 1977 in Kansas, Nebraska, and Missouri, and in the middle of 1977 in Iowa. The data from these surveys should provide documentation of the extent of industrial or hazardous waste problems in the states and provide environmental or health problems.

The states developed strategies for upgrading their hazardous and solid waste management programs and, with the exception of Iowa, developed a strategy for resource recovery and source reduction programs. These strategies will become a portion of the updated state solid waste management plans.

The Iowa solid waste program completed the permitting of sanitary disposal projects covering 100 percent of the counties in the state. However, Iowa solid waste management legislation does not require the utilization of permitted facilities by industries. This is a major loophole in the state program. The "special" waste survey undertaken by the Iowa Department of Environmental Quality (IDEQ) was done by contract and in conjunction with several other surveys. The data, except in combined form, will not be available to the Department and, therefore, cannot form a data base for initiating a state "special" waste management program. The IDEQ has proposed "special" waste management legislation, and legislation to close the loophole on industrial "on site" disposal.

The Kansas solid waste program completed the permitting of solid waste disposal sites covering 90 percent of the population in the state. The state has good solid waste management legislation. The hazardous waste survey identified the need for additional legislation and improved controls on hazardous waste management. New legislation is under consideration by the 1977 Legislature. The state program needs additional funding and personnel, visibility, and hazardous waste management legislation.

The Missouri solid waste program has permitted solid waste processing or disposal facilities serving 85 percent of the state's population and has good solid waste management legislation. A statewide survey of hazardous waste generation identified the problems and the need for additional controls. New legislation to provide for a state hazardous waste control program is under consideration by the 1977 Legislature. The state program needs personnel, funding, and new hazardous waste management legislation.

Nebraska has a solid waste management plan adopted by the Governor that calls for the passage of comprehensive solid waste management legislation. The Department of Environmental Control has permitted sites covering 55 percent of the population, however, further progress will await new legislation. A survey of hazardous waste producing industries indicated the need for new state regulations on generators, transporters, and facility or site operators. The new program should be implemented in FY-1977. The state program needs additional resources and updated solid and hazardous waste regulations during the next year in addition to new comprehensive solid waste legislation.

RADIATION

Iowa is the only state not having a comprehensive state radiation control law. The IDEQ has been given legislative authority to regulate transportation, storage, and burial of radioactive wastes. The Duane Arnold Nuclear Center is in operation near Cedar Rapids, Iowa, and plans are being made for an additional nuclear power plant in central Iowa and a decision is pending.

The Kansas radiation control program is active in all areas. The construction permit public hearings have been held for the Wolf Creek Nuclear Generating Station to be built near Burlington, Kansas, and the Nuclear Regulatory Commission (NRC) has issued a limited work authorization permit. The plant will be part of the Standardized Nuclear Unit Power Plant System (SNUPPS).

The radiation control program in Missouri is very small in comparison to the number of radiation sources in the State. Additional personnel are needed to carry out environmental aspects of the program. The Missouri Department of Natural Resources is sponsoring a comprehensive radiation control law in the current session of the Legislature. Two 1100 Megawatt SNUPPS units are under construction near Jefferson City.

The Nebraska program is comprehensive but has suffered from turnover of personnel. The surveillance program has been continued around Cooper Nuclear Station and Fort Calhoun Station, both of which are operating nuclear power plants. An application was made to the NRC for a permit to construct Fort Calhoun Nuclear Unit II, however, the application was recently canceled.

PESTICIDES

Local problems are the lack of laboratory facilities, need to continue state registration, special local need registration, emergency use of pesticides, and determination of the number of pesticide users to be certified.

There is a lack of personnel, technical expertise, and funding to fully implement the FEPCA.

Iowa has formally submitted a State Plan for the certification of pesticide applicators which has been approved by EPA, contingent upon the promulgation of four proposed rules. The Iowa State University Cooperative Extension Service has developed pesticide applicator training manuals utilizing the EPA Core Manual and is conducting annual statewide training programs in the fall and winter.

Kansas trained commercial applicators during November and December of 1976. Private applicator training is to begin in February 1977. Missouri trained commercial applicators in the Spring of 1976 and will offer additional training in January and February of 1977. Finalized state plans for Missouri and Kansas are expected before January 1, 1977.

Nebraska passed legislation partially in direct conflict with the FIFRA. Development of an applicator training and certification program is dependent upon repeal of existing law and passage of enabling legislation meeting the requirements of FIFRA.

NOISE

Suitable state legislation with appropriate resources are needed to implement control action. The Governors of the states of this region have designated the noise control agencies.

On Octover 29, 1974, St. Louis County, Missouri, passed an ordinance to control the emission of noise and the generation of vibrations. The associated noise program by the St. Louis County Department of Community Health and Medical Care is helping to ensure a better quality of life for the citizens of St. Louis County through its efforts to limit community noise exposure.

Nebraska has noise control legislation for motor vehicles with a gross weight of 10,000 pounds or more. The noise control program for these vehicles will reduce the impact of this noise source upon Nebraska citizens and aid in enforcement of Federal noise regulations governing interstate motor carriers.

Several state and local governments have expressed a desire for a noise control program if Federal funds are available to assist them.

GLOSSARY

AQCR	Air Quality Control Region
AQMA	Air Quality Maintenance Area
BMCS	Bureau of Motor Carrier Safety
BTU	British Thermal Unit
CETA	Comprehensive Employment Training Act
CO	Carbon Monoxide
dBA	Decibel A-weighted
DCPA	Defence Civil Preparedness Agency
DEC	Department of Environmental Control
DHE	Department of Health and Environment
DHEW	Department of Health, Education, and Welfare
DOT	Department of Transportation
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ERDA	Energy Research and Development Administration
ESECA	Energy Supply and Environmental Coordination Act
FDA	Food and Drug Administration
FDAA	Federal Disaster Assistance Administration
FEPCA	Federal Environmental Pesticide Control Act
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FWPCA	Federal Water Pollution Control Act
GSA	General Services Administration
HC	Hydrocarbon

HUD	Housing and Urban Development
IDEQ	Iowa Department of Environmental Quality
MARC	Mid America Regional Council
MDNR	Missouri Department of Natural Resources
NAAQS	National Ambient Air Quality Standard
NEPA	National Environmental Policy Act (EIS)
NESHAPS	National Emission Standard for Hazardous Air Pollutant (to States)
NPDES	National Pollutant Discharge Elimination System
NRC	Nuclear Regulatory Commission
NSPS	New Source Performance Standard
NSR	New Source Review
O_x	Oxidant
PSD	Prevention of Significant Deterioration
RCRA	Resource Conservation and Recovery Act
REA	Rural Electrification Administration
SCS	Soil Conservation Service
SIP	State Implementation Plan
SNUPPS	Standardized Nuclear Power Plant System
SO_2	Sulfur Dioxide
TCP	Transportation Control Plan
TSCA	Toxic Substances Control Act
TSP	Total Suspended Particulate
USDA	United States Department of Agriculture

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GENERAL

The Iowa Department of Environmental Quality (IDEQ) was created by the State General Assembly and became effective January 1, 1973. This Act transferred the existing air pollution control, water pollution control, and solid waste disposal programs from the State Department of Health and the chemical program from the State Department of Agriculture to the new IDEQ. The new Department was designated as the official State agency for air pollution control, water pollution control, solid waste disposal, and chemical technology.

The Department is working extremely well in coordinating the environmental pollution control efforts. It is expected that the Federal NPDES program will be delegated to the State sometime during this fiscal year.

The discharges from various packing plants and animal processing plants constitute a significant pollution problem. Most of the livestock feed lots are small, but in some instances, also contribute significantly to the waste load of receiving streams. Some of the wastes have high ammonia contents and are difficult to control.

Electrical energy needs are currently being met. High sulfur content fuels are a problem because the stack scrubber equipment either has not been installed or, in some cases, is not available. Iowa has a nuclear energy plant (Duane Arnold Plant near Cedar Rapids). The management has done an excellent job in community relations. Another plant is being planned.

A total of $9 billion was released to EPA for construction grants in FY-1976 and Iowa's share of this is $100.04 million. These funds are not subject to re-allotment until September 30, 1977. About $25 million remain to be obligated as of March 1, 1977.

PL 92-500 does not authorize grant funds beyond those now allocated. An additional $1.8 million was made available recently under Title III of the Public Works Employment Act of 1976 (PL 94-447).

The following program summaries describe some of the major activities in the State.

PROGRAM GRANTS

The State Program Grants are administered by the IDEQ. Federal Air, Water, and Solid Waste program funds are combined as one consolidated grant. Air, Water Pollution and Planning, Water Supply, and Solid Waste program grant authorities are PL 91-604, PL 92-500, PL 93-523, and PL 91-512, respectively. Federal program funds for FY-1977 are $1,563,616.

Air:	
State	$448,900
Local	
Des Moines	44,666
Linn County	28,800
Total	$522,366
Water Quality Planning:	
State	$726,900
Water Supply:	
State	$266,600
Solid Waste:	
State	$47,750

WATER QUALITY

PLANNING

The IDEQ has completed the Phase I statewide river basin planning under Section 303(e) of the Federal Water Pollution Control Act (FWPCA) and has recently been granted $1,182,700 of Section 208 funds for the Phase II process. Two areas have been designated by the Governor for areawide planning also under Section 208. The Central Iowa Regional Association of Local Governments received a grant of $1,385,000 to do a study of the Des Moines Metropolitan Area and the Chariton Valley Regional Services Agency received a grant of $325,000 to develop a waste treatment management plan for the four county Rathbun Reservoir Area.

CONSTRUCTION GRANTS

Iowa currently (December 1976) has $198.6 million obligated to 454 active grant projects. During FY-1976, including the Transition Quarter, 295 grant awards were processed representing $87.6 million in Federal dollars.

All construction grant funds authorized by the FWPCA of 1972 (PL 92-500) have been allocated to the State and are committed to projects listed in FY-1976, although not actually obligated. Congressional action or additional authorizations and appropriations is necessary before new projects can be considered.

All applications are processed for completeness by the IDEQ before forwarding to EPA Regional Office for review. The time required to process an application through the State and EPA Regional Office depends on a number of factors including deficiencies found and complexity of the project.

AIR AND HAZARDOUS MATERIALS

AIR QUALITY

The IDEQ identified six Standard Metropolitan Statistical Areas (SMSA) as having a potential to violate the National Ambient Air Quality Standards (NAAQS) for particulate matter in 1985 and recommended designation of these areas as Air Quality Maintenance Areas (AQMA) for particulate matter. Detailed analysis utilizing projection modeling reduced this number to five AQMAs: (1) Cedar Rapids particulate, (2) Des Moines particulate and CO, (3) Omaha-Council Bluffs particulate, (4) Davenport particulate, and (5) Waterloo particulate.

The call for an Iowa SIP revision requested an attainment/maintenance plan for these five AQMAs to be submitted by July 1, 1977. It appears that the Federal new automobile emission requirements are sufficient to allow attainment of the CO standard in Des Moines; thus, no request was made for revisions related to automotive emissions.

The EPA Region VII office provided contractural assistance to the IDEQ to update the Iowa SIP. The completed product included all regulatory and strategy changes made by the IDEQ since the initial plan submission in 1972.

The IDEQ attempted to follow the recommendations of the Energy Supply and Environmental Coordination Act review report and developed SO_2 emission regulations for coal-burning power plants which contained emission limits that varied according to location in the State. Simply stated, these regulations required six-pounds per million BTUs in ten counties, eight-pounds per million BTUs in some counties, and unlimited in other areas. The Iowa Legislative Review Committee found these regulations to be arbitrary and would not approve them.

The IDEQ submitted this regulation to the EPA as a plan revision under Section 110 (a)(3)(B) of the Clean Air Act. This section requires approval or disapproval within 90 days. This time constraint prevented the Regional Office from obtaining sufficient technical support from the IDEQ to show that such regulations would not allow standards to be exceeded. The action of the Legislative Review Committee cast doubt on the regulations enforceability; thus, the revision was disapproved. Objections of the Committee have now been rescinded and it would appear the regulation is approvable.

WATER SUPPLY PROGRAM

The Public Water Supply Program is a function of the IDEQ. The central office provides direction of Water Supply Program field activities. Six district offices devote 40 percent of their time to the Program, making inspections of the public water supplies on a routine basis, with much of the effort directed to the smaller supplies. The offices also provide technical assistance and "one on one" informal training for operators.

The IDEQ reviews all the plans and specifications submitted by owners of public water supplies and reviews plans and specifications of quasi-public water supplies on a time-available basis. Private water supplies are under the authority of the Iowa State Health Department.

The central office staff is responsible for administering the entire mandatory Water and Wastewater Operator Certification Program. The maintenance of records and enforcement of the mandatory certification law takes much of the staff's time.

The central office receives weekly operating reports from most of the treated public water supplies. Unfortunately, manpower is not available to review this information to detect operational problems. Support provided through grant funds authorized by the Safe Drinking Water Act should eliminate this problem however.

The State Hygienic Laboratory at Iowa City provides the bacteriological and part of the chemical analytical service for the water supplies of the State. The Des Moines branch laboratory makes the majority of the chemical analyses.

Within the provisions of the National Interim Primary Drinking Water Regulations (40 CFR 141), the IDEQ is required, as a prerequisite to assumption of primary enforcement responsibility (primacy) under the Safe Drinking Water Act (PL 93-523), to seek and obtain "preliminary certification" of the Principal State Laboratory by June 24, 1977. Under IDEQ's contractural arrangements, this will be the State Hygienic Laboratory. The IDEQ must, in turn, "approve" all other laboratories in the State, from which the State accepts water supply analyses, pursuant to the Safe Drinking Water Act, by this same June 24, 1977, deadline. The State Program which will be responsible for laboratory approval, and later certification of these laboratories in the State, must be approved by the EPA Regional Office. Further, the State Program must have available the required technical expertise to approve/certify all chemical and microbiological contaminants which must be monitored for, and analyzed for, under the provisions of PL 93-523.

WATER ENFORCEMENT

NPDES PERMIT PROGRAM

The Iowa legislature passed the necessary statutory ammendments for assumption of NPDES authority. Regulations designed to complete program authority have been drafted and are in the process of being adopted. We anticipate program assumption late in FY-77. We are trying to issue as many permits as possible to assist in the transition.

IDEQ has a vigorous enforcement program, but many cases are delayed or never filed by the State Attorney General's office. This has led to IDEQ reliance on EPA for formal enforcement action.

Changes in program guidance, such as change in the definition of secondary treatment for municipal discharges, has resulted in a continuous program for permit issuance, reissuance, and/or modification.

Permit Issuance Summary

	Issued	Unissued
Major Municipal	123	15
Major Industrial	41	3
Minor Municipal	477	120
Minor Industrial	504	63
Agricultural	38	10
	1,183	211

AIR AND HAZARDOUS MATERIALS

AIR QUALITY

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The Regional Office plans to provide technical assistance to the State in an effort to determine the technical acceptability of the IDEQ SO_2 regulation. The method proposed is to model emissions from the power plants and other particulate and SO_2 sources to determine the air quality impact of the regulation. Our offer of this assistance has only recently been accepted.

The Regional Office provided contractural assistance to update the Iowa emission inventory and a statewide hydrocarbon (HC) inventory. The purpose of these inventories is to provide an accurate data base upon which to improve emission control strategies. Since HCs are precursors for photochemically-produced ozone and other O_x, a reliable emission inventory should indicate the extent of HC emission in the State and the potential for O_x formation.

Responsibility for NSPS regulations has been delegated to the State. As EPA promulgates (or revises) NSPS regulations, the State updates its requirements. Iowa does lack statutory authority to adopt NSPS which specify equipment (i.e., floating roof tanks for HC storage).

Overall, the State has an efficient air enforcement program.

SOLID WASTE MANAGEMENT

The State headquarters program staffing consists of nine professionals and two clerical positions. District and legal office support adds an additional 5.7 man-years. The State headquarters budget for FY-1977 is $213,404 with $47,750 from a Federal solid waste management planning grant covering three quarters of the year.

The Solid Waste Management Division of the IDEQ completed the State Solid Waste Management Plan in January 1974. The plan was adopted by the Department and Commission in 1976. It describes the State and local problems, including the need for an industrial waste disposal permit system; expansion of the State rules to specifically include storage, collection, and other areas; training programs for solid waste operators; increased State manpower (salary scale and positions); and funding for special programs such as hazardous waste managment.

Implementation of the sanitary landfill permit program to regulate the processing and disposal of municipal and commercial solid wastes is nearly complete. The permit program has resulted in 100 percent of the State's population being served by adequate sites and facilities, however, industries do not have to utilize such facilities. Approximately 100 dumps remain to be closed. Another problem is the need for financial and technical assistance to develop and implement the local solid waste management plans. Proposed legislation to allow an industrial waste survey and hazardous waste controls was introduced in FY-1975 and 1976 but was not considered.

The City of Ames has constructed a resource recovery system which is operational. A joint effort by IDEQ and the State Office of Planning and Programming resulted in a large-scale program for junk car recycling which is patterned after the Chicago-Northwestern Railroad program entitled "PRIDE." This operation has recycled 100,000 junk cars in the past four years. Other programs for special wastes include an IDEQ sponsored pesticide container recycling program, an oil recycling program, and the Iowa Industrial Waste Information Exchange operated through the Iowa State University extension.

RADIATION

The IDEQ is the State environmental radiation control agency.

There are several drinking water supplies that have an elevated radium content. EPA Standards for radioactivity in drinking water may require additional water treatment for these supplies.

There are 135 Nuclear Regulatory Commission radioactive materials licenses in the state, 20 radium sources, and 1 particle accelerator. The state has 2,850 medical x-ray machines and 3,100 dental x-ray machines. The nonionizing radiation sources are 276 broadcast transmitters, 817 microwave towers, and 18 fixed radar installations. There are no radioactive disposal sites in the State.

The Duane Arnold Nuclear Energy Center is being operated near Cedar Rapids, by the Iowa Electric Light and Power Company. Fort Calhoun Nuclear Station is operated by the Omaha Public Power District on the western border of Iowa. Quad-Cities Station is operated on the eastern border by Commonwealth Edison Company and Iowa-Illinois Gas Company. Plans are being made by Iowa Power and Light Company for a large nuclear power plant to be located near Des Moines.

It is believed that the increased activity across the State will result in citizen support necessary for the development of State radiation control program. The 1976 Legislature created an Interagency Coordinating Counsel on Radiation Safety which will develop a state radiation safety program.

PESTICIDE

The 1976 Legislature passed amendments to the 1974 Iowa Pesticide Law that included portions enabling the State to function under the amended FIFRA.

The Department of Agriculture has been designated by the Governor as the primary agency.

Cooperative Relationship--EPA/USDA. A continuing informal program of cooperation is maintained with Iowa State University Extension Service. We mutually inform of our activities, actions, and needs. EPA funds the Department of Agriculture to develop a certification plan and program and also funds the State Cooperation Extension Service to conduct certification training. This plan has been completed and given contingency approval by the Agency.

NOISE ABATEMENT AND CONTROL

The IDEQ is the State noise control agency. Mutually, EPA and IDEQ have worked on community noise ordinances, review of environmental impact statements and complaint problems. Snowmobile noise regulations are now enforced in the State. There is need for suitable State noise legislation and resources for a more active noise control program.

Major cities in Iowa that have developed noise control ordinances are Burlington, Cedar Falls, Cedar Rapids, Dubuque, and Sioux City. Other cities have expressed an interest in developing ordinances for their cities.

INTERMEDIA PROGRAMS

SIGNIFICANT ENVIRONMENTAL IMPACT STATEMENTS

1. Corallville Lake

EPA reviewed the draft EIS for operation and maintenance of Corallville Lake in 1975. The project was rated "Environmentally Unsatisfactory" because concentrations of dieldrin exceeded the Food and Drug Administration's maximum allowable residue limit for fish marketed in interstate commerce. Through coordination efforts by EPA, the Corps, and the State of Iowa, the Iowa Conservation Commission banned commercial fishing in the lake as of July 9, 1976. In addition, the Corps of Engineers, Rock Island District, has agreed to post the lake notifying sport fishermen that certain species of fish in the lake are contaminated and should not be eaten. The final EIS on the project has not been issued.

2. Red Rock Lake

EPA expressed environmental reservations with the EIS on the operation and maintenance of the project because pesticide data in the final EIS indicated certain fish species were contaminated with dieldrin. The Corps of Engineers is instituting a monitoring program to determine if certain fish species are generally contaminated. If this proves to be true, a ban on commercial fishing and/or warnings to sport fishermen will be undertaken.

3. Little River Watershed Project

EPA rated both the draft and final EIS as environmental reservations because of heavy metals, pesticides, and PCB's which may preclude the use of the proposed multipurpose impoundment for water supply and fishing. Because the water quality assessment did not produce conclusive data either supporting or rejecting our concerns, we requested additional water and sediment sampling be conducted by the Soil Conservation Service (SCS) before project construction commences. SCS has agreed to conduct additional water quality monitoring.

4. George Neal Steam Electric Generating Stations, Unit 4, Salix

EPA, in conjunction with the Corps of Engineers (Omaha District) and the Rural Electrification Administration (REA), is preparing an EIS for the issuance of a NPDES permit (EPA), Section 10 and 404 permits (C.O.E.), and loan guarantees for related power facilities (REA). The draft EIS was completed in October 1976 and the final EIS was completed in February 1977.

5. Ottumwa Steam Electric Generating Station, Ottumwa

EPA, in conjunction with the Corps of Engineers (Rock Island District), is preparing an EIS for the issuance of a NPDES permit (EPA) and Section 10 and 404 permits (C.O.E.). It is expected that both the draft and final EIS will be completed in FY-1977.

FEDERAL ACTIVITIES

There are approximately 35 Federal facilities within the State of Iowa. The EPA has issued 21 NPDES permits for facilities in the State. Major emphasis will now be placed on assuring compliance with the permit conditions.

Iowa Army Ammunition Plant has completed six advanced wastewater treatment systems for removing TNT from their industrial wastes. The plant has abandoned plans for converting coal-fired boilers to gas-fired boilers because of the energy crisis. Iowa Army Ammunition Plant has signed a Consent Declaration for the installation of electrostatic precipitators for fly ash control and is expected to be completed by mid 1977. They are working on the development of an incinerator for disposal of packaging, contaminated with TNT, which is currently being disposed of by open burning. This project is to be completed by 1980.

LAKE RESTORATION GRANTS

Three lake restoration grant applications from Iowa have been received by EPA; the Iowa Conservation Commission has similar applications for funds to match the EPA grant. The applications are from Blue Lake for $372,500 each from the state and EPA, Lenox Municipal Reservoir $100,000 from each, and Lake Oelwein $60,200 from each.

EPA has conditionally approved all three initial applications; final approval and grant award depends on submission and approval of additional information concerning proposed project feasibility, proposed project design details, possible environmental impacts, and other necessary information for evaluation of the grant applications.

An Iowa Conservation Commission study is underway on Blue Lake and is expected to yield necessary data by April 1977.

Lenox Reservoir data submissions are almost complete enough for evaluation and decision. Additional information has been requested on Oelwein Lake. Cooperative action and coordination on these applications are maintained with the Iowa Conservation Commission, Iowa Department of Environmental Quality, and U.S. Fish and Wildlife Service.

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GENERAL

The Department of Health and Environment was established by Executive Order on July 1, 1974. The Department is divided into the Division of Health, the Division of the Environment, and the Office of Laboratory Services. The State Department of Health and the State Board of Health were abolished. The Air Quality Commission, the Solid Waste Advisory Council, and the Water Well Advisory Council were also abolished. All powers, duties, and functions of the abolished State agencies were transferred to the Secretary of the Department of Health and Environment.

Kansas was the first State to establish mandatory registration of feedlots. Serious consideration is being given by the State agencies to the problems of agricultural runoff (including nonpoint sources) and land use. Meetings with agricultural and environmental groups have been held to discuss these problems, methods for solving them, and the need for land use legislation.

The State of Kansas was officially authorized to assume the NPDES program on June 28, 1974.

Conferences regarding pesticide usage have been held and needed pesticide legislation has been passed.

Electrical energy needs are currently being met. A coal fueled plant near the state line south of Kansas City (La Cygne) is in operation. Others are being planned for the State. One nuclear plant is planned for generating electrical power.

A total of $9 billion was released to EPA for grants in FY-1976 and the Kansas share of this is $53.79 million. These funds are not subject to re-allotment until September 30, 1977. About $40 million remains to be obligated as of March 1, 1977.

Public Law 92-500 does not authorize grant funds beyond those now allocated. An additional $13.9 million was made available to Kansas under Title III of the Public Works Employment Act of 1976 (PL 94-447).

The following program summaries describe some of the major activities in the State.

PROGRAM GRANTS

The State Program Grants are administered by the Kansas Department of Health and Environment. Air, Water Pollution and Planning, Water Supply, and Solid Waste program authorities are PL 91-604, PL 92-500, PL 93-523, and PL 91-512, respectively. Federal funds for FY-1977 are:

Air:	
State	$332,450
Local	
Topeka	21,239
Wichita	52,363
Kansas City	90,240
Total	$496,292
Water Quality Planning:	
State	$527,200
Water Supply:	
State	$261,600
Solid Waste:	
State	$41,250

WATER QUALITY

PLANNING

The Kansas Department of Health and Environment has completed the Phase I river basin plans under Section 303(e) of PL 92-500 and has recently been granted $1,009,800 of Section 208 funds for the Phase II process.

The Governor, acting jointly with the Governor of the State of Missouri, requested designation of the Mid America Regional Council (MARC) as an areawide planning agency and the Kansas City metropolitan region as the planning area.

Administrator Russell Train approved the designation and a grant of $1,400,000 was awarded to MARC to conduct the two-year planning effort.

CONSTRUCTION GRANTS

During FY-1976, including the transition quarter, 205 Kansas grant awards were made for a total obligation of $35.5 million. The State currently (March 1, 1977) has over $105 million obligated to 340 active projects.

Approximately $40 million is currently available for construction grants. This must be obligated by September 30, 1977, or be subject to reallocation to other states. We are concerned that a sufficient number of complete applications may not be available in time to fully utilize these FY-1976 funds.

WATER SUPPLY PROGRAM

The Water Supply Program is a branch of the Division of Environment. There are six district offices which have an engineer for water supply activities. The district engineer makes routine inspections of all public water supply systems and provides technical assistance for operators. He conducts sanitary surveys on community water supplies and handles water quality problems by working with the water suppliers to correct deficiencies.

Kansas has a mandatory disinfection requirement of their water supplies, and all supplies have chlorination equipment. There are deficiencies in the quality of operation, and in microbiological surveillance. Additional staffing is needed in the district offices.

The "proposed" Kansas Safe Drinking Water Statute has been reviewed by the Revisor of Statutue's office and referred to the Senate Committee regarding such laws. The Committee has held hearings on the law and it is scheduled for debate on the Senate floor during the week of March 7, 1977.

The Legislature must pass the law before it adjourns in April. If passed, the Governor will sign it into law and the regulations can be written. If the Legislature adjourns before the law is passed, there is no conceivable way Kansas can have primacy for the Water Supply Program by October 1, 1977 (start of FY-78 grant).

Within the provisions of the National Interim Primary Drinking Water Regulations (40 CFR 141), the Kansas Department of Health and Environment is required, as a prerequisite to assumption of primary enforcement responsibility (primacy) under the Safe Drinking Water Act, PL 93-523, to seek and obtain "preliminary certification" of the Principal State Laboratory by June 24, 1977. The Kansas Department of Health and Environment must, in turn, "approve" all other laboratories in the State, from which the State accepts water supply analyses, pursuant to the Safe Drinking Water Act, by this same June 24, 1977, deadline. The State Program which will be responsible for laboratory approval, and later certification of these laboratories in the State, must be approved by the EPA Regional Office. Further, the State Program must have available the required technical expertise to approve/certify all chemical and microbiological contaminants which must be monitored for, and analyzed for, under the provisions of PL 93-523.

WATER ENFORCEMENT

NPDES PERMIT PROGRAM

The State has taken over all EPA-issued permits since they have assumed NPDES permit authority. They have carried out an effective compliance program but, like our other two states with the permit authority, they have been reluctant to take formal enforcement action. Our role is to provide technical assistance, upon request, and program overview and guidance. We have drafted most of their power plant permits.

Permit Issuance Summary

	Issued	Unissued
Major Municipal	39	0
Major Industrial	49	1
Minor Municipal	368	0
Minor Industrial	321	30
Agricultural	189	0
	966	31

AIR AND HAZARDOUS MATERIALS

AIR QUALITY

Air quality standards are exceeded at several monitoring sites scattered throughout the State for suspended particulates and at a few specific locations for CO and photochemical O_x. Violations of the CO and photochemical O_x standards should be eliminated as better controlled new automobiles replace older ones; thus, no calls for CO or O_x plan revisions were made.

Violations of total suspended particulate (TSP) standards are thought to be caused primarily by agricultural and urban activities. Control of dust from agricultural activities to attain the TSP standard is generally considered to be impractical or unacceptable. Thus, no call for TSP plan revisions were made in rural areas.

In the Kansas City AQCR, the feasibility of controlling the re-entrainment of dust from paved streets is being studied. The State has been notified that if techniques for the prevention of re-entrainment proves feasible, programs implementing such techniques will be required. Since such techniques (street cleaning, prevention of mud carry-out, etc.) may not be within the purview of the air pollution control agency, they would not be required before mid 1978.

The State, with assistance from the Regional Office, is developing an air quality maintenance analysis for TSP in the Kansas City area.

SOLID WASTE MANAGEMENT

The State program consists of 5.0 professional and one clerical position. District office support adds an additional 1.0 person years. The State budget for FY-1977 is $119,660 including a $41,250 Federal solid waste management planning grant covering three quarters of FY-1977.

The Department of Health and Environment (DHE) completed their State Solid Waste Management Plan in 1970 and obtained excellent legislation (K.S.A. 1971 Supp. 65-3401 through 3417, as amended). The State program has suffered from lack of visibility, insufficient manpower (due to inadequate salaries and a lack of positions), insufficient funding, and a lack of problem recognition by administrative officials and legislators. State legislation required submission of county and/or city solid waste management plans by

June 30, 1974, for approval by the DHE. All these plans have been completed and approved, which is a tribute to the diligence of the program personnel. The legislation also required permits for all solid waste processing and disposal sites and facilities by June 30, 1976, and 90 percent of the State's population is currently served by approved facilities. Approximately 100 dumps remain to be closed.

The major statewide problems in FY-1977 will be guidance of local plan implementation, continued review and approval of sanitary landfill permit applications, development and passage of hazardous waste management program. A survey of approximately 450 industries for hazardous waste generation was completed in 1975 and 1976. The survey report will be available early in 1977 and includes recommendations for strengthening the State legislation to require additional restrictions on hazardous waste generators, transporters, and treatment or disposal operators. In addition, the survey identified the industries with on-site dumping problems and the Department moved quickly to require industries to dispose of their waste at State approved facilities.

The DHE, as a portion of its FY-1977 program plan, will be attempting to stimulate resource recovery efforts. There are no significant resource recovery systems in operation in the State. The University of Kansas is currently assessing the possibility of burning solid waste to produce steam for use by the University. A survey of resource recovery markets was completed in 1976 and will be maintained to aid the local communities in recycling efforts.

State program grant activities in FY-1977 will include investigation and approval of sanitary landfills and industrial waste landfills, a review of the State regulations and compliance program, development of regulations for the hazardous waste management program, and evaluation of local solid waste programs for technical assistance efforts to other communities. Resources will also be required for inspection and enforcement activities on permitted facilities where necessary. Strategies for solid and hazardous waste management programs and resource recovery activities were completed in FY-1976 and will be updated in FY-1977 for inclusion with survey results into the State plan.

RADIATION

The Kansas State Department of Health and Environment is the State radiation control agency.

Kansas is a Nuclear Regulatory Commission agreement state and has issued some 160 licenses. The Nuclear Regulatory

Commission has 15 licenses and there are 40 radium sources. There are seven particle accelerators, 1,500 medical x-ray machines, and 1,500 dental x-ray machines. Nonionizing sources of radiation include 262 broadcast transmitters, 1,518 microwave towers, and 39 mixed radar installations. There are no radioactive disposal sites in the State.

Kansas Gas and Electric Company and the Kansas City Power and Light Company have applied for a construction permit to build a nuclear power plant near Burlington and hearings have been held. The Nuclear Regulatory Commission has issued a limited work authorization for the Wolf Creek Generating Station.

PESTICIDES

Cooperative Relationships--EPA/USDA. Kansas State University Extension Service has been a constant source of help. Each year EPA participates in Extension Service Chemical Task Group meetings at various points in the State, which are primarily for growers, dealers, applicators, etc. EPA funds the State Board of Agriculture to develop and carry out the certification program, and funds the State Cooperative Extension Service to conduct certification training.

EPA has acted in an advisory capacity to legislative committees in drafting of pesticide legislation.

Kansas has passed the HB 2001 Pesticide Law which conforms to the FIFRA. The Kansas Law becomes effective October 21, 1977.

NOISE ABATEMENT AND CONTROL

The DHE is the State noise control agency. Mutually, we have worked on community noise ordinances, review of environmental impact statements, complaint problems and measuring techniques.

A major city in Kansas that has a noise control ordinance is Prairie Village. Other cities have expressed interest and requested information.

INTERMEDIA PROGRAMS

SIGNIFICANT ENVIRONMENTAL IMPACT STATEMENTS

1. Nearman Creek Steam Electric Generating Station, Kansas City

EPA rated the project Environmentally Unsatisfactory in its review of the draft EIS because of a probable violation in NAAQS for particulates and potential significant water quality degradation from trace elements in the coal and ash fill leachates. The final statement was rated adequate since major environmental problems were resolved during the final preparation.

2. Halstead Local Flood Protection Project, Halstead

EPA reviewed the draft EIS for the proposed project. The project and statement were rated "ER-3" (environmental reservations - inadequate), respectively. Our concerns were wetland habitat degradation, water quality impacts, and the cumulative adverse effects of this and other channel modification projects on the human and natural environment of the Little Arkansas River Basin. The list of draft statement inadequacies is extensive making an adequate evaluation of the project impossible. The final EIS has not been submitted for our review at this time.

FEDERAL ACTIVITIES

There are approximately 75 Federal facilities in the State of Kansas. The EPA has issued 56 NPDES permits to facilities in the State. Major emphasis will now be placed on assuring compliance with the permit conditions.

The Sunflower Army Ammunition Plant near Lawrence, Kansas, is presently in stand-by status. They now have an extensive program for modifying existing facilities and construction of new facilities. Construction of new Nitroguanidine Plant began in August 1975.

Kansas has six Federal facilities considered to be major air sources. Three of these sources are in compliance with applicable air regulations, while the other three have signed Consent Declarations to correct their problem areas.

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GENERAL

The Omnibus State Reorganization Act of 1974 combined 13 Departments and the Office of Administration into a new Department of Natural Resources. Included in the reorganization were the Air Conservation Commission, Clean Water Commission, Environmental Improvement Authority, Water Resources Board, and some environmental programs of the State Department of Health. The new Department became fully effective on July 1, 1974. All major environmental programs are now in the newly created Department.

St. Louis is the only metropolitan area in the Region for which a Transportation Control Plan is required. The over-lapping nature of the two-state metropolitan area makes it difficult to work efficiently for transportation control. Some extensive air studies have been made.

The State of Missouri was officially authorized to assume the NPDES program on October 30, 1974. The State has an aggressive water pollution control program but is greatly understaffed in comparison to its population and industrialization. Budgetary limitations have caused a reduction in support for many programs.

Electrical energy needs are currently being met. Missouri has a large supply of coal of high-sulfur content and this resource will be available for electrical generating when stack scrubber equipment is available in sufficient quantities to control sulfur emissions.

A total of $9 billion was released to EPA for grants in FY-1976 and the Missouri share of this is $157.47 million. FY-1976 funds are not subject to reallotment until September 30, 1977. About $60 million of the FY-1976 funds have been obligated as of December 1976.

PL 92-500 does not authorize grant funds beyond those now allocated. An additional $7.1 million was made available to Missouri under Title III of the Public Works Employment Act of 1976 (PL 94-447).

The following program summaries describe some of the major activities in the State.

PROGRAM GRANTS

The State Program Grants are administered by the Missouri Department of Natural Resources (MDNR) for Air, Water Pollution and Planning, Water Supply, and Solid Waste activities. Grant authorities are PL 91-604, PL 92-500, PL 93-523, and PL 91-512, respectively, and funds are awarded as a consolidated program grant. Total funds for FY-1977 are $2,275,600.

Air:	
State	$316,000
Local	
Kansas City	115,000
St. Louis	270,000
St. Louis County	250,000
Springfield	27,700
Total	$978,700
Water Quality Planning:	
State	$881,400
Water Supply:	
State	$352,500
Solid Waste:	
State	$63,000

WATER QUALITY

PLANNING

The MDNR has completed the Phase I river basin plans under Section 303(e) of PL 92-500 and has recently been granted $1,013,000 of Section 208 funds for the Phase II process. There are three designated areas for "Section 208" areawide planning in Missouri. Areawide grants have been awarded to the Mid-America Regional Council (Kansas City area), East-West Gateway Coordinating Council (St. Louis), and Ozark Gateway Regional Planning Commission (Joplin). The grant amounts are $1,400,000, $2,243,000, and $429,500, respectively.

CONSTRUCTION GRANTS

During FY-1976, including the Transition Quarter, 210 grant awards were made in Missouri for a total of $104.2 million. There are currently (December 1976) approximately 400 active projects in the State involving $280 million in Federal grant funds.

The major metropolitan areas of St. Louis and Kansas City will not meet the compliance date of July 1, 1977, for secondary treatment because of the lack of adequate construction grant funds. It has been necessary to phase these major projects along with the Little Blue Valley Sewer District works in order to distribute available allocations. 1985 is now being projected as a date when final phases of construction may begin based on the promise of approximately the same level of funding that we have had under PL 92-500.

WATER SUPPLY

The Public Water Supply Program is a function of the Division of Environmental Quality (DEQ), MDNR. Any supply with more than a single service connection is considered a public water supply.

Six and three-tenths man-years of professional personnel effort and four man-years of support are expected in the Central Office to provide direction to field activities and program responsibilities as authorized.

Six Regional Offices are staffed with engineers who devote time to the Water Supply Program through facility inspection, technical assistance, and training programs.

Annual inspections of municipal water supplies are made by the Central Office and Regional engineers. Operation and needs of the water supplies are discussed in detailed reports which contain recommendations.

The Water Supply Program personnel in Jefferson City review all of the plans and specifications. Following this review, an approval of plans is issued if the plans are satisfactory, a permit to dispense water is issued by them. Plans and specifications are required for the development of any additional sources of water or for any major improvements on existing systems.

The Bureau of Laboratory Services of the Division of Health provides a chemical and bacteriological analytical service for water supplies in the State. The main laboratory in Jefferson City performs all the chemical analyses. The bacteriological analyses are shared with branch laboratories in Poplar Bluff and Springfield.

Within the provisions of the National Interim Primary Drinking Water Regulations (40 CFR 141), the MDNR is required, as a prerequisite to assumption of primary enforcement responsibility (primacy) under the Safe Drinking Water Act, PL 93-523, to seek and obtain "preliminary certification" of the Principal State Laboratory by June 24, 1977. Under Missouri Department of Natural Resources' contractural arrangments, this will be the Bureau of Laboratory Services of the Division of Health. The MDNR must, in turn, "approve" all other laboratories in the State, from which the State accepts water supply analyses, pursuant to the Safe Drinking Water Act, by this same June 24, 1977, deadline. The State Program which will be responsible for laboratory approval, and later certification of these laboratories in the State, must be approved by the EPA Regional Office. Further, the State Program must have available the required technical expertise to approve/certify all chemical and microbiological contaminants which must be monitored for, and analyzed for, under the provisions of PL 93-523.

WATER ENFORCEMENT

NPDES PERMIT PROGRAM

Since the State assumption of the NPDES permit program, MDNR has been very active in takeover of EPA-issued permits and issuance of previously unissued permits. Essentially, all point sources are now permitted.

The permit program is conducted out of six state regional offices which results in much more direct contact with the permittee, both prior to and after permit issuance.

An EPA audit of one of the regional offices indicated that non-compliance was dealt with on an informal basis, such as site visits. We are stressing a more formal enforcement action to achieve permit compliance.

EPA/State efforts are closely and cooperatively coordinated with our role to provide technical assistance and program guidance augmented by frequent visits to state offices.

Permit Issuance Summary

	Issued	Unissued
Major Municipal	79	1
Major Industrial	59	1
Minor Municipal	540	0
Minor Industrial	2,161	0
Agricultural	0	0
	2,839	2

AIR AND HAZARDOUS MATERIALS

AIR POLLUTION CONTROL

The primary NAAQS are exceeded in both the Kansas City and St. Louis ACQRs for several pollutants. In Kansas City the Total Suspended Particulate (TSP), CO, and O_x standards are violated. In St. Louis the TSP, SO_2, CO, and O_x standards are violated.

Violations of the TSP standard in Kansas City is thought to be the result of re-entrainment of dust from city streets. The EPA is funding a project to determine the feasibility of techniques to control such re-entrainment. If these techniques prove to be effective and socially acceptable, EPA will require that they be used. Violations of CO and O_x in Kansas City will be reduced and eliminated, as better controlled new cars replace old ones.

In St. Louis, the Missouri Air Conservation Commission is committed to the development of strategies to reduce concentrations of CO and O_x. These strategies will be developed on a cost-effectiveness priority basis as solid data bases can be developed. A regulation has been enacted to provide for gasoline vapor recovery. Other strategies being developed include control of dry cleaning and degreasing operations, and an inspection/maintenance program to assure the in-use motor vehicles meet the emission standards for which they are designed.

The major particulate and SO_2 problem in St. Louis is in a small area on the southern city-county boundary. This area has been designated as a "hot spot." As such, the State will develop emission regulations for sources within the area which are more restrictive than those for the remainder of the St. Louis area. This should be completed during FY-1977.

Air quality maintenance analyses will be performed for TSP in Kansas City and for TSP and SO_2 in St. Louis. In addition, the State has been advised by EPA that they must revise their Regulation S-X which provides for emissions limitations based on measured ground-level pollutant concentrations. Various courts have ruled that this type regulations is unacceptable. Also, due to a recent Supreme Court decision, the State must either enforce the existing SO_2 emission regulation in the St. Louis AQCR or develop an alternative regulation as part of the SIP.

The performance of this task will depend not only on the attitude of the MDNR, which has improved considerably recently, but on the availability of manpower. Currently the MDNR is critically short on personnel.

SOLID WASTE MANAGEMENT

The State program consists of eight professional and three clerical positions. District Office support adds an additional 2.5 man-years. The State headquarters budget for FY-1977 is $243,351, including a $63,000 Federal solid waste management planning grant covering three quarters of FY-1977.

The MDNR, Solid Waste Management Program completed its State Solid Waste Management Plan and obtained excellent legislation (Senate Bill 387, 76 Missouri General Assembly). However, in 1975, the Missouri Legislature severely weakened the collection and planning requirements, which will result in a shift in program emphasis. The major program problems are the lack of manpower to implement the State legislation (due to inadequate salaries and a lack of positions), and inadequate funding of the State program. The main local problems are completion of solid waste management plans required by State legislation for approval by the MDNR by January 1, 1976. State financial and technical assistance to implement these plans is lacking. At the end of FY-1976, 85 percent of the State's population was served by permitted sites and facilities and over 100 dumps remained to be closed.

The major statewide problems are the institution of a solid waste processing and disposal permit system and the development and passage of hazardous waste management legislation. A survey of approximately 450 industries for industrial and hazardous waste generation was conducted in 1975 and 1976 and the report will be available early in 1977. The recommendations include legislation developed by an open committee of nearly 100 persons which was prefiled on December 1, 1976. In addition, the survey identified numerous hazardous waste treatment and disposal firms and spurred the development of the St. Louis Industrial Waste Exchange, the Nation's first. The legislation will provide for improved controls on generators, transporters, and treatment or disposal operators handling hazardous waste.

In FY-1976 a resource recovery market report and a solid waste collection cost survey were completed. They will be utilized to provide technical assistance to local communities interested in resource recovery or improving collection systems, respectively. The FY-1977 work program calls for a rural resource recovery study, a review of the MDNR surveillance and enforcement procedures and maintenance of the surveys completed in FY-1976. The MDNR is also working with the Department of Administration to develop a paper recycling program for State agencies. Strategies covering solid and hazardous waste management programs and resource recovery activities were completed in FY-1976 and will be incorporated into the State Plan with the results of the surveys.

RADIATION

The Department of Social Services, Division of Health, is the State radiation control agency.

There are a large number of radiation sources in Missouri. The Nuclear Regulatory Commission has 300 radioactive materials licenses and there are 24 radium sources. There are eight particle accelerators, 3,400 medical x-ray machines, and 2,250 dental x-ray machines. Nonionizing sources are also quite numerous. There are 341 broadcast transmitters, 1,408 microwave towers, and 48 fixed radar installations. There are two research reactors in the State.

The Union Electric Company is constructing two 1100 megawatt (electrical) nuclear power generating units on the Missouri River, 25 miles northeast of Jefferson City. This action has precipitated a rather widespread action among the environmental groups of the State. The steam supply will be a Standardized Nuclear Unit Power Plant System (SNUPPS).

The Cooper Nuclear Station is being operated by the Nebraska Public Power District on the Missouri River near Brownville, Nebraska. The Missouri River is the state line at this location.

PESTICIDES

Missouri's revised pesticide law was enacted in the 1974 legislative session and signed May 14, 1974. This is considered acceptable to function under the FIFRA.

EPA provides funding and technical support to the Missouri Department of Agriculture's accident investigation program. Additionally, EPA funds and provides support to the Department of Agriculture to develop and conduct the certification program, and funds and supports the State Cooperative Extension Service in developing and conducting appropriate training for certification.

NOISE ABATEMENT AND CONTROL

The MDNR is the State noise control agency. Mutually, we have worked on review of environmental impact statements and complaint problems. There is a need for suitable State legislation and resources for a more active noise control program.

Major cities in Missouri that have been engaged in studies of noise control ordinances in the past year are Kansas City, Independence, St. Louis, and Springfield. St. Louis County has enacted an ordinance and initiated a noise control program within the past year. Some smaller cities of Missouri have expressed the need for noise control, but want to rely on the State since they do not have the resources or personnel and equipment which would be required on a part-time basis for their city.

INTERMEDIA PROGRAMS

SIGNIFICANT ENVIRONMENTAL IMPACT STATEMENTS

1. Locks and Dam #26 (Replacement), Mississippi River

EPA reviewed both the March 1976 draft EIS and the July 1976 final EIS for the proposed project. Our comment letter on the draft EIS expressed environmental reservations with both project specific and system impacts of the proposed action. In addition, several inadequacies of the draft document were identified. Our follow-up review of the final EIS indicated the Corps of Engineers did not resolve the concerns addressed in our comment letter on the draft EIS. Therefore, we reiterated our concerns with both the project and the EIS via a letter to the Corps of Engineers. We also expressed a desire to work with the Corps with the hope of diminishing environmental impacts.

2. Brown Road Extension, St. Charles and St. Louis Counties

EPA reviewed the draft EIS for the proposed project. The project and statement were rated "ER-2" (environmental reservations - more information needed), respectively. Our reservations with the project covered five subject areas: 1) wetlands, 2) flood impacts, 3) noise levels, 4) water quality, and 5) air quality. The final EIS has not been submitted to our office for review at this time.

3. Rail-to-Barge Coal Transfer Facility, St. Louis

EPA reviewed the draft EIS for the proposed project. The project and draft statement was rated "ER-2" (environmental reservations - more information needed), respectively. Our concerns were the potential air pollution and water quality impacts. The final EIS has been reviewed and EPA had no comments on it.

4. Mississippi River and Tributaries, Mississippi River Levees and Channel Improvement, Cairo, Illinois, to head of Passes, Louisiana

EPA considered the final EIS to be unresponsive to our comments on the draft EIS and, in addition, we had severe environmental reservations with the proposed actions. EPA's continued reservations focused on the cumulative impacts of the project, water quality degradation, loss of valuable riverine habitat, dredge soil disposal, and decreased flood carrying capacity. EPA recommended that a multi-use management plan be developed for the lower Mississippi River which would balance flood control and navigation operations with environmental needs.

5. Lower Meramec River Basin Wastewater Treatment Facilities

EPA is currently involved in the preparation of an EIS for the development of wastewater treatment facilities in the lower Meramec River Basin. The actual preparation is being done by Ryckman, Edgerly, Tomlinson and Associates of St. Louis through a contract with the Metropolitan Sewer District of St. Louis. The contract is funded by an EPA Step 1 grant and the EIS will serve as EPA's official EIS on the project.

FEDERAL ACTIVITIES

There are approximately 85 Federal facilities in the State of Missouri. The EPA has issued 63 NPDES permits to those facilities which have discharges to receiving waters. Major emphasis is now being placed on assuring compliance with these permits.

Fort Leonard Wood, Missouri, has begun construction on the new Tertiary Sewage Treatment Plant and is expected to be complete before 1980. The new plant will result in a reduction in pollutants being discharged to the Big Piney River.

Missouri has five Federal facilities considered to be major air sources. Three of these facilities are now in compliance with applicable air regulations, while the other two facilities have signed Consent Declarations to correct their problem areas.

LAKE RESTORATION GRANTS

Considerable Missouri interest has developed in this program recently. MDNR has an ad hoc committee and Mr. Ron Kucera, Division of Planning and Policy Development, has been quite active in assistance promotion and development of applications. We had one meeting with the ad hoc committee in Jefferson City in January 1977. There are three grant applications in process for funds authorized under Section 314(b) of the Federal Water Pollution Control Act (PL 92-500).

1. Fingers Lake, a MDNR $80,000 application to develop one large lake (42 acres) from 12 small lakes in an abandoned strip mine area near Columbia.

2. Lewis-Clark State Park, $1,900,000 MDNR application to dredge a 300 acre lake near St. Joseph.

3. Vandalia, an application for funds to dredge their municipal water supply lake.

Federal revenue sharing funds and HUD block grant funds may be used to match this program grant.

MANPOWER AND TRAINING

Missouri has a need for a systematic coordinated delivery system for operator training including:

1. Coordinating between water and wastewater and other programs of MDNR for training,

2. Expand on efforts to develop and use interagency resources from education and CETA. Environmental training should become an established entity in these programs, and

3. Several schools have some elements of operator training. Coordination is needed to assure that these meet needs, but do not develop into duplication which would inhibit development. The 109(b) state training center to be constructed at the Water and Wastewater Technical School needs to be integrated into state coordination of operator training.

The State has initiated many good actions, but has not put them together into an overall continuing program.

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GENERAL

The Department of Environmental Control (DEC) was established by the 1971 Legislature and became fully effective July 1, 1971. This Department has three major divisions: water pollution control, solid waste control, and air pollution control.

Feedlot pollution and irrigation return flows are the major pollution problems in the State. The State is doing an excellent job on feedlot pollution control.

A Level "B" Study, under the Water Resource Control Act, has been completed for the Platte River Basin. This work was under the administration of the Missouri River Basin Commission. The study developed a land and water resources management plan for the Basin.

The State of Nebraska was officially authorized to assume the NPDES program on June 12, 1974.

The electrical energy needs are currently being met. The State has two nuclear power plants.

A total of $9 billion was released to EPA for grants in FY-1976 and the Nebraska share of this is $38.54 million. FY-1976 funds are not subject to reallotment until September 30, 1977. About $27 million of the FY-1976 funds have been obligated as of March 1, 1977.

PL 92-500 does not authorize grant funds beyond those now allocated. An additional $3.7 million was made available to the State under Title III of the Public Works Employment Act of 1976 (PL 94-447).

The following program summaries describe some of the major activities in the State.

PROGRAM GRANTS

State Program Grants are administered by the Nebraska DEC for Air, Water Pollution, and Solid Waste under a consolidated program grant for authorities of PL 91-604, PL 92-500, and PL 91-512, respectively. Water Quality Planning funds are administered by the Nebraska Natural Resources Commission. Water Supply funds are administered by the Nebraska Department of Health. FY-1977 grants to the State are:

Air	$358,626
Solid Waste	$17,456
Water Quality Planning	$575,000
Water Supply	$200,700

WATER QUALITY

PLANNING

The Nebraska Natural Resources Commission has completed the Phase I river basin plans under Section 303(e) of PL 92-500 and has recently been awarded $887,000 of Section 208 funds for the Phase II process.

There are presently no "designated" areas for water quality management in Nebraska although the Omaha-Council Bluffs area is seeking designation by the Governor.

CONSTRUCTION GRANTS

During FY-1976, including the Transition Quarter, 141 grant awards were made in Nebraska with a total obligation of $24.0 million. For the first five months of FY-77, 26 grant awards were made in Nebraska for a net obligation of $9.0 million. There are currently (March 1977) 260 active grants in the State representing a Federal obligation of over $79 million.

Nebraska currently (March 1, 1977) has $11.6 of FY-76 funds available for obligation prior to October 1, 1977. In addition, Nebraska received $3.7 million under Title III of the Public Works Employment Act of 1976.

Past and projected future funding levels for the program have required phasing of construction of treatment facilities for the Omaha Metropolitan area including the Papillion Creek Basin. The Missouri River Plant Project, located in the southeast of Omaha, will involve an expenditure of over $40 million in addition to the $7 million EPA grant awarded on February 3, 1977, for the construction of secondary treatment facilities. The Omaha Papillion Creek Plant project consisting of only primary treatment facilities will be completed by June 1977, under an EPA grant of $26.3 million. It will require an additional Federal grant of over $30 million to complete secondary treatment facilities.

The Lincoln and Grand Island projects (second and third largest cities in Nebraska) currently with Step 2 grants will need additional Federal assistance of $9.4 and $5.7 million, respectively, for construction.

If funding is continued at a level near that originally authorized in PL 92-500, completion of facilities in Omaha area will not be realized until the mid 1980's.

WATER SUPPLY PROGRAM

The Water Supply Program is administered by a section of the State Health Department. During 1976, the Legislature passed the Nebraska Safe Drinking Water Regulations, Legislative Bill 821, and have proposed regulations to supplement the statutes. Nebraska will make a formal application for primary enforcement responsibility.

Within the provisions of the National Interim Primary Drinking Water Regulations (40 CFR 141), the Nebraska Department of Health is required, as a prerequisite to assumption of primary enforcement responsibility (primacy) under the Safe Drinking Water Act (PL 93-523), to seek and obtain "preliminary certification" of the Principal State Laboratory by June 24, 1977. The State Health Department must, in turn, "approve" all other laboratories in the State, from which the State accepts water supply analyses, pursuant to the Safe Drinking Water Act, by this same June 24, 1977, deadline. The State Program which will be responsible for laboratory approval, and later certification of these laboratories in the State, must be approved by the EPA Regional Office. Further, the State Program must have available the required technical expertise to approve/certify all chemical and microbiological contaminants which must be monitored for, and analyzed for, under the provisions of PL 93-523.

Laboratory service is available on the State level and it is presently being upgraded to provide analysis for all contaminants in the Interim Primary Drinking Water Regulations. The state laboratory is being surveyed by EPA to determine its status toward certification.

The Water Supply Program professional staff has been increased and additional field offices are being established to provide better surveillance and technical assistance to the supplies.

Ground water is the source for all but three public water supplies and each community is usually served by several wells with no treatment. There are areas of high nitrate exceeding the MCL in the Interim Primary Drinking Water Regulations. Microbiological limits have been frequently violated in the past.

The Water Supply Program personnel conduct training programs in the field for community water system operators. This training aids the operator in becoming certified under the Nebraska Voluntary Operator Certification Program (sponsored by the Nebraska Section of the American Water Works Association in cooperation with the State Health Department and the Civil Engineering Department at the University of Nebraska).

WATER ENFORCEMENT

NPDES PERMIT PROGRAM

Since the State assumption of the NPDES permit program, they have taken over all previously EPA-issued permits. Essentially, all point sources have been permitted.

On November 8 and 9, 1976, an EPA audit team conducted a program evaluation which revealed the State was doing a satisfactory job. The only criticism was that they use formal enforcement action only as a last resort, relying on informal site visits or other communications to achieve compliance.

Program personnel are very cooperative and regional technical assistance and program guidance is provided.

Permit Issuance Summary

	Issued	Unissued
Major Municipal	40	0
Major Industrial	30	0
Minor Municipal	362	0
Minor Industrial	229	0
Agricultural	462	0
	1,123	0

AIR AND HAZARDOUS MATERIALS

AIR QUALITY

The Department of Environmental Control (DEC) analyzed the Standard Metropolitan Statistical Areas and found that the existing SIP, plus Federal New Source Performance Standards and automotive emission standards are adequate to maintain NAAQS through 1985. A review of the analysis and updated air quality data showed there is a potential for violating NAAQS for particulate matter.

The DEC submitted information which suggests that in many areas of the State, violations of the particulate standard is in part due to wind-blown dust. The call for an SIP revision did not require a control strategy for fugitive dust, since the cost-effectiveness of such a strategy is uncertain.

The DEC adopted regulations for prevention of significant deterioration and requested delegation of authority. This request has been reviewed and some apparent legal inconsistencies have been found. The request will be reconsidered, when a response is provided by the State. Responsibility for NSPS regulations has been delegated. As EPA promulgates (or revises) NSPS regulations, the State updates its requirements.

Air quality data for 1975 show four monitoring sites violating primary ambient air quality standards for particulates and six violating the secondary standard for particulates in Douglas and Sarpy Counties. Thus, 10 of 12 monitoring sites in the Omaha area violated particulate standards in 1975.

The DEC experiences a high employee turn-over rate which appears largely due to salary levels. As new employees gain experience, they are lured away by public and private organizations at higher salaries.

SOLID WASTE MANAGEMENT

The State program consists of six professional and one clerical position. The State budget for FY-1977 is approximately $131,837 including $17,456 from a Federal solid waste management planning grant covering three quarters of the year.

The DEC, Solid Waste Division, completed the State Solid Waste Management Plan in January 1974 and the Governor adopted it as the official State plan. The plan documents State and local problems including the need for new State legislation requiring local solid waste management plans, permits for solid waste processing and disposal facilities, and the need for increased state manpower and funding for local technical assistance, plan review, and enforcement.

The major problems are lack of effective legislation and lack of problem recognition by State administrators and legislators. The existing solid waste permit program has obtained adequate facilities to serve only 55 percent of the State's population. Present legislation is contained in Section 81-1501 through 81-1522, Revised Statutes Supplement, 1971, as amended. Proposed legislation was introduced during FY-1975; however, the Unicameral postponed action on the bill for two years.

In FY-1976 the DEC completed a local planning effort which included development of a model plan and planning documents in a two-county area in order to demonstrate the feasibility to the legislature. The hazardous waste efforts included a survey of generators, evaluation of State control methods, and development of a long-range State strategy. The survey report should be available early in 1977 and documents the need for additional regulations covering hazardous waste generators, transporters, and site or facility operators. Implementation of this program is a major output for FY-1977.

The State also completed solid and hazardous waste management and resource recovery strategies to guide future program efforts. In FY-1977 the Department will maintain the strategies and incorporate them into the State solid waste management plan. Reviews of the State regulations and guidelines, surveys of disposal sites and resource recovery markets, and development of pesticide and pesticide container disposal guidelines will be conducted and added to the plan update.

Keep Omaha Beautiful operates a paper recycling program with some success. Junked cars are being recycled more readily in connection with a new steel mill in Norfolk. The DEC anticipates working with the major population areas to promote increased resource recovery programs.

RADIATION

The Nebraska Department of Health is the State radiation control agency.

The State has issued some 90 radioactive materials licenses under a Nuclear Regulatory Commission agreement.

The Nuclear Regulatory Commission has five licenses and there are 25 radium sources. There are six particle accelerators, 950 medical x-ray machines, and 925 dental x-ray machines. Sources of nonionizing radiation are 234 broadcast transmitters, 1,084 microwave towers, and 30 fixed radar installations.

There are no radioactive disposal sites in the State.

The Fort Calhoun Station, built by the Omaha Public Power District, is in operation near Omaha. The Cooper Nuclear Station, built by the Nebraska Public Power District, is in operation near Brownville.

PESTICIDES

The Department of Agriculture has been designated by the Governor as having primary responsibility.

Cooperative Relationship - EPA/USDA. There exists an excellent working relationship between the agency and the University of Nebraska Extension Service group. EPA funds the certification training program and continually updates the training effort to reflect current EPA policy. EPA also provides training materials and approves training program. Farmer training has already begun which will qualify participants to be certified when the State plan is approved.

EPA annually cooperates with the Nebraska Division of Aeronautics and the Nebraska Aerial Applicators Association at their February convention to apprise them of the current legal status of the industry under the FEPCA.

The State currently operates under the Nebraska Economic Poisons and Devices Law and amendment LB 332. This amendment is, in part, in direct conflict with the applicator certification requirements of FIFRA. In spite of this difficulty, the Department of Agriculture, with aid from EPA, is developing a State plan for the certification of pesticide applicators contingent upon passage of new enabling legislation.

NOISE ABATEMENT AND CONTROL

The Nebraska Department of Environmental Control is the State noise control agency. Mutually, we have worked on review of environmental impact statements, complaint problems, and measuring techniques. Nebraska is in the process of enforcing noise control legislation for motor vehicles with a gross weight of 10,000 pounds or more. There is a need for additional legislation and resources to improve their noise program.

Major communities in Nebraska that have noise control programs are Lincoln and Omaha.

INTERMEDIA PROGRAMS

SIGNIFICANT ENVIRONMENTAL IMPACT STATEMENTS

1. Gerald Gentleman Power Station, Nebraska

EPA reviewed both the draft and final EISs for the project which was being constructed at the time the EISs were being developed. The draft EIS was rated "3" (inadequate) since it did not provide adequate information on the air quality, water quality, biological and solid waste impacts of the project. Our concerns were not adequately responded to in the final EIS; therefore, the final document was rated "unresponsive final." Following review of the final EIS, EPA submitted a letter to the FPC administrative law judge protesting the manner in which FPC discharged its responsibilities under NEPA. In addition, EPA requested this disregard for the provisions of NEPA be evaluated prior to licensing of the project.

2. O.P.P.D. Nebraska City Power Station Unit 1 - Nebraska City

The draft statement was rated inadequate with a project determination of environmental reservations. The reservations and inadequacies dealt primarily with the statement's presentation of trace element impacts from the use of low sulfur western coal. The final statement was rated adequate due to additional information made available during the final preparation.

3. Missouri River Bank Stabilization and Navigation Project

EPA had environmental reservations with the project because of the continued project related losses to riverine and riparian habitat with a corresponding reduction in fish and wildlife resources, degraded water quality, and reduced flood carrying capacity of the Missouri River. In addition we expressed concern with the additive impacts the continuance of the project will have on other portions of the inland waterways system. EPA rated the EIS "inadequate" because it did not adequately assess significant environmental impacts of the ongoing program nor did it adequately assess the need to continue and complete the existing system. We were also concerned the EIS did not include a comparative environmental, economic, and resource evaluation of reasonable project alternatives.

4. Scottsbluff Waste Treatment Facilities

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A contract for preparation of an EIS on proposed land application of wastewater from Scottsbluff, Nebraska, was let to WAPORA, Inc. in late September 1976. The EIS is being prepared because of the possibility of significant environmental effects from contaminated runoff and ground water, and controversies regarding the proposed treatment method and sites. The proposed system would utilize the existing lagoon facility for treatment and storage of effluent, with conversion of the first cell into an aerated cell, and provide for construction of a new lift station and force main to transport the wastewater to two new storage ponds. One significant alternative to be considered is regionalization of wastewater treatment with either Gering or Terrytown, or both. The EIS is scheduled for completion late in 1977.

FEDERAL ACTIVITIES

There are approximately 60 Federal facilities in the State of Nebraska. The EPA has issued six NPDES permits. Most of the Federal facilities do not have a discharge to the receiving waters; thus, there is no need for an NPDES permit.

Offutt Air Force Base in Omaha, Nebraska, has eliminated their discharges to Papillion Creek by connecting to the Papillion Creek Interceptor. They plan to keep treating their waste discharges until completion of the Papillion Creek Primary Sewage Treatment Plant which is expected to be operational by April 1977.

Nebraska has one active Federal facility, Offutt Air Force Base, considered to be a major air source. A Consent Declaration was signed between EPA and Offutt Air Force Base. This agreement was met by June 1976, and this facility is in compliance with applicable air regulations.